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# Boston Zoning Code & Enabling Act

As amended through

— May 15, 1981

— April 30, 1982

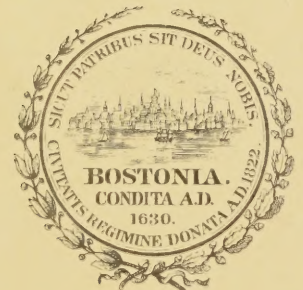
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Mayor

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As amended through  
May 15, 1981

**KEVIN H. WHITE**  
Mayor



Inspectional Services Department/City of Boston/City Hall, 8th Floor/Boston, MA 02201

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CHAPTER 665 OF THE ACTS OF 1956

(as amended through May 15, 1981)

AN ACT AUTHORIZING THE CITY OF BOSTON TO LIMIT BUILDINGS ACCORDING TO THEIR USE OR CONSTRUCTION TO SPECIFIED DISTRICTS.

SECTION 1 (as amended by St. 1958, c. 77, s. 1). There shall be in the city planning department of the city of Boston, or in such other department of said city as the city council of said city with the approval of the mayor of said city shall from time to time determine, a board, known as the zoning commission, consisting of eleven zoning commissioners appointed by the mayor, subject to confirmation by the city council, as follows:—one commissioner from two candidates nominated by the Associated Industries of Massachusetts, one commissioner from two candidates nominated by the Boston Central Labor Union, one commissioner from two candidates nominated by the Boston Real Estate Board, one commissioner from two candidates nominated one by the Boston Society of Architects and one by the Boston Society of Landscape Architects, one commissioner from two candidates nominated by the Boston Society of Civil Engineers, one commissioner from two candidates nominated by the Greater Boston Chamber of Commerce, one commissioner from two candidates nominated by the Massachusetts Motor Truck Association, Inc., one commissioner from two candidates nominated by the Master Builders Association of Boston, and three commissioners selected at large by the Mayor, of whom one shall own alone or with one or more other persons, and shall



occupy in whole or in part as his place of residence, a dwelling house having not more than three dwelling units. All zoning commissioners shall be residents of Boston; provided that any person who on the acceptance of this act is a member of the board of zoning adjustment of said city may be a zoning commissioner irrespective of his place of residence.

The zoning commissioners initially appointed upon nomination under this section shall serve, in the case of the commissioners appointed upon nomination of the Associated Industries of Massachusetts, the Boston Central Labor Union, and the Boston Real Estate Board, for a term expiring three years, in the case of the commissioners appointed upon nomination of The Boston Society of Architects or the Boston Society of Landscape Architects, the Boston Society of Civil Engineers, and the Greater Boston Chamber of Commerce, for a term expiring two years, and in the case of the commissioners appointed upon nomination of the Massachusetts Motor Truck Association, Inc., and the Master Builders Association of Boston, for a term expiring one year, from May first, nineteen hundred and fifty-eight. The other zoning commissioners initially appointed under this section shall serve, according to the provisions of their respective appointments, for terms expiring, in the case of one commissioner, three years, in the case of another commissioner, two years, and in the case of the other commissioner, one year,

from said May first. As the term of any zoning commissioner initially appointed, or of any subsequent zoning commissioner, expires, his successor shall be appointed in like manner as such commissioner for a term of three years. Any vacancy in the office of a zoning commissioner shall be filled in the same manner for the unexpired term.

The zoning commission shall elect one of its members as chairman and another as vice chairman. The zoning commission shall also elect a secretary, who need not be a member of the commission. The members of the zoning commission shall serve without compensation, but shall be reimbursed for their travelling and other necessary expenses incurred in the performance of their duties.

The zoning commission shall cause to be made a detailed record of all its proceedings, which record shall include the vote of each member participating in its decisions, and the absence of a member or his failure to vote.

The zoning commission shall not be subject to the supervision or control of the officer or board in charge of such department of the city as the commission shall from time to time be in; but unless otherwise ordered by the mayor, the zoning commission shall not make any annual or other report except through such officer or board, and shall not communicate with the mayor except through such officer or the chairman of such board.

SECTION 2. For the purpose of promoting the health, safety, convenience, morals or welfare of its inhabitants, the city of Boston may, by a zoning regulation adopted by its zoning commission, regulate and restrict the height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, agriculture, residence or other purposes; \*provided, that use of land for a municipal purpose shall not be permitted in any district in which dwellings are permitted except that where, at the time of the adoption of a zoning regulation or amendment permitting dwellings in a district, a particular parcel of land in such district is used for a particular municipal purpose, use of such land for such purpose may be allowed to continue, and except, further, that use of a particular parcel of land for a municipal purpose in a district where dwellings are permitted may be allowed by special order of the zoning commission adopted after like report, notice and hearing, and in like manner and with like approval as a zoning regulation or amendment if notice of the hearing thereon is also sent by mail, postage prepaid, to the owners of all abutting property and also to



the owners of such other property as may be deemed by the zoning commission to be especially affected by such order, as they appear on the then most recent local tax list.

(\*Proviso annulled in part by St. 1966, c. 642, s. 4, par. (E).)

For any or all of such purposes a zoning regulation may divide the city into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this act, and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings and structures, or use of land, and may prohibit noxious trades within the city or any specified part thereof. The regulations and restrictions shall be uniform for each class or kind of buildings, structures or land, and for each class or kind of use, throughout the district, but the regulations and restrictions in one district may differ from those in other districts. Due regard shall be paid to the characteristics of the different parts of the city; and the regulations and restrictions shall be the same for zones, districts or streets having substantially the same character.

A zoning regulation shall be designed among other purposes to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to

conserve the value of land and buildings; to encourage the most appropriate use of land throughout the city; and to preserve and increase its amenities.

SECTION 3 (as amended by St. 1958, c. 77, s. 2, and St. 1966, c. 193, s. 1). A zoning regulation may be adopted and from time to time be amended by alteration, addition or repeal, but only in the manner hereinafter provided. No zoning regulation originally establishing the boundaries of a district or the regulations and restrictions to be enforced therein, and no such regulation amending the same as aforesaid, shall be adopted until the Boston Redevelopment Authority shall have submitted a report with recommendations concerning such regulation or amendment or allowed twenty days to elapse after receipt from the zoning commission of a request for such a report without making such report, nor until after the zoning commission shall have given notice and held public hearing with respect to such regulation or amendment. Such notice shall be published at least ten days prior to such hearing in one or more newspapers of general circulation in the city of Boston, and shall (a) refer to this act; (b) give the time and place of the public hearing; and (c) either state the express terms of the proposed regulation or amendment, or state the general subject thereof and the times when

and the place where a copy of the express terms thereof may be obtained. Such notice shall also be sent by mail, postage prepaid, to any person filing written request for notice of hearings, such request to be renewed yearly in December. Such public hearing shall be attended by not less than six of the members of the zoning commission; and if less than six members are present at any public hearing, the members actually present may adjourn the same by proclamation to such time and place as they deem advisable, and further notice thereof shall not be necessary. After such notice and hearing the zoning commission, by the concurrent vote of not less than seven of its members, may adopt or reject the proposed regulation or amendment, or may adopt a regulation or amendment in substantial accord with the proposed regulation or amendment. Votes of the zoning commission adopting a zoning regulation or amendment thereof shall be subject to the same provisions of law in respect to approval by the mayor as orders or votes of the city council of the city, except that the concurrent vote of not less than nine members of the zoning commission shall be necessary to pass such a regulation or amendment over the veto of the mayor.

Any owner of property may petition the zoning commission to adopt an amendment of a zoning regulation which would affect



his property, but shall not be entitled to have his proposed amendment considered by the commission unless he pays the city such sum, if any, as may from time to time be established by the zoning regulation as the estimated average cost to the city of a hearing on a proposed amendment of the zoning regulation.

SECTION 4. A zoning regulation or any amendment thereof shall apply to any change in the use of a building or structure or of land, and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change, and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration, or for its use for the same purpose to a substantially greater extent; but no zoning regulation nor any amendment thereof shall apply to existing buildings or structures, nor to the existing use of any building or structure, or of land to the extent to which it is used at the time of the adoption of such regulation or amendment, except that any such regulation or amendment may regulate non-use of a nonconforming use so as not to unduly prolong the life thereof.

SECTION 5. No zoning regulation or amendment thereof shall affect any permit issued or any building or structure lawfully begun

before notice of hearing before the zoning commission has first been given; provided, that construction work under such a permit is commenced within six months after its issue, and the work, whether under such permit or otherwise lawfully begun, proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances. The issuance of a permit or the beginning of work upon a building or structure, or a change of use, after such notice has been given, shall not justify the violation of a zoning regulation or an amendment thereof subsequently adopted as the outcome of such hearing and in substantial accord with such notice; provided, the subsequent steps required for the adoption of such regulation or amendment thereof are taken in their usual sequence without unnecessary or unreasonable delay.

SECTION 6. A building, structure or land used or to be used by a public service corporation may be exempted from the operation of a zoning regulation or amendment if, upon petition of the corporation, the state department of public utilities shall, after public notice and hearing, decide that the present or proposed situation of the building, structure or land in question is reasonably necessary for the convenience or welfare of the public.

SECTION 7. The building commissioner of the city shall withhold a permit for the construction or alteration of any building or structure if the building or structure as constructed or altered would be in violation of any zoning regulation or amendment thereof; and state and municipal officers shall refuse any permit or license for a new use of a building, structure or land which use would be in violation of any zoning regulation or amendment thereof.

SECTION 8 (as amended by St. 1966, c. 193, s. 2; St. 1972, c. 802, s. 66; and St. 1973, c. 296, s. 4). There is hereby established in the city of Boston a board to be called the board of appeal, and to consist of five members appointed by the mayor in the following manner: the first member from two candidates, one to be nominated by the Boston Real Estate Board and one by the Massachusetts Real Estate Board; the second member from two candidates, one to be nominated by the Boston Society of Architects and one by the Boston Society of Civil Engineers; the third member from three candidates, one to be nominated by the Master Builders Association, one by the Building Trades Employers' Association and one by the Building Contractors Association of Massachusetts, Inc.; the fourth member from two candidates to be nominated by the Building Trades Council of Boston and Vicinity; and the fifth member to be selected by the mayor. Appointments of said board shall be for terms of five years. Vacancies shall be filled for an unexpired term in the same manner in which original appointments are required to be made. Each member of the board of appeal shall receive for every day or part thereof of actual services twenty dollars or such other sum as may from time to time be fixed by the city council with the approval of the mayor; but no member shall so



receive in any one year more than fifteen hundred dollars or such other sum as may from time to time be fixed by the city council with the approval of the mayor. No member shall act in a case in which he has a personal interest, and when a member is so disqualified, or absent, the remaining members shall designate a substitute. Members of said board shall be residents of or engaged in business in the city of Boston. The board shall establish rules and regulations for its own procedure not inconsistent with this code.

Any board or officer of the city or any person aggrieved by reason of being refused a permit by any administrative official under the provisions of the state building code or by reason of any order or decision of the building commissioner or other administrative official in violation of any provision of the state building code or any zoning regulation or amendment thereof adopted under the state building code may appeal to said board of appeal within forty-five days after such refusal, order or decision by paying to the building commissioner a fee of twenty-five dollars\* or such other sum as the city council with the approval of the mayor may from time to time prescribe, and by filing with the board or officer from whose refusal, order or decision the appeal is taken a notice of appeal specifying the grounds thereof. Such board or officer shall forthwith transmit to said board of appeal such notice of appeal and all documents and papers constituting the record of the case in which the appeal is taken. (Effective Jan. 1, 1975)

Said board of appeal shall fix a reasonable time for the hearing of any appeal and give public notice thereof in a newspaper of general circulation in the city, and also send notice by mail, postage prepaid, to the appellant and to the owners of all property deemed by said board

\*See Appendix #1 of the Zoning Code for fees charged by the Building Commissioner for appeals to the Board of Appeal.

of appeal to be affected thereby, as they appear on the then most recent local tax list and to any person filing written request for notice of hearings, such request to be renewed yearly in December, and to the Boston Redevelopment Authority. At the hearing any party whether entitled to notice thereof or not may appear in person or by agent or attorney. No such hearing shall be held on any day on which a state or municipal election, preliminary election or primary is held in said city.

In acting upon such appeal, said board of appeal may, in conformity with the provisions of this act, reverse or affirm in whole or in part, or may modify, any order or decision, and may make such order or decision as ought to be made, and to that end shall have all the powers of the board or officer from whom the appeal is taken and may direct the issue of a permit. The concurring vote of four-fifths of all the members of said board of appeal shall be necessary to reverse any order or decision of any administrative official under this act, or to decide in favor of the applicant on any matter upon which it is required to pass under any zoning regulation or amendment thereof, or to effect any variance in, or exception to, the application of any such regulation or amendment.

Said board of appeal shall cause to be made a detailed record of all its proceedings, which record shall set forth the reasons for its decisions, the vote of each member participating therein, and the absence of a member or his failure to vote. Such record, immediately following the board's final decision, shall be filed in the office of the building commissioner of the city and shall be open to public inspection, and notice of such decision shall be mailed forthwith to each party in interest as aforesaid, to the Boston Redevelopment Authority, and to every person present at the hearing who requests that notice be sent to him and states the address to which such notice is to be sent.

SECTION 9. Upon an appeal from the refusal of the building commissioner or other administrative official to issue a permit under this act or under a zoning regulation as adopted and amended under this act, said board

of appeal may authorize with respect to a particular parcel of land or to an existing building thereon a variance from the terms of such zoning regulation where, owing to conditions especially affecting such parcel or such building, but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of such zoning regulation would involve substantial hardship to the appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of such zoning regulation, but not otherwise. In authorizing such variance, said board may impose limitations both of time and of user, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time thereafter.

SECTION 10. A zoning regulation or amendment thereof may provide that exceptions may be allowed to the regulations and restrictions contained therein, which shall be applicable to all of the districts of a particular class and of a character set forth in such zoning regulation or amendment. Such exceptions shall be in harmony with the general purpose and intent of the zoning regulation or amendment, and may be subject to general or specific limitations therein contained. If exceptions are so provided for, said board of appeal may, subject to appropriate conditions and safeguards, allow such an exception upon an appeal from the refusal of the building commissioner or other administrative official to issue a permit under this act or under a zoning regulation or amendment thereof adopted under this act.



SECTION 11 (as amended by St. 1974, c. 669, s. 1). Any person aggrieved by a decision of said board of appeal, whether or not previously a party to the proceeding, or any municipal board or officer, may appeal to the superior court sitting in equity for the county of Suffolk or, in the event that said decision is concerned with any building or place used, or intended or permitted for use, as a place of human habitation, to the housing court of the city of Boston; provided, that such appeal is filed in either of said courts within fifteen days after such decision is recorded. Every person so appealing shall file a bond with sufficient surety, to be approved by the court, for such a sum as shall be fixed by the court, to indemnify and save harmless the person or persons in whose favor the decision was rendered from all damages and costs which he or they may sustain in case the decision of said board is affirmed. Upon an appeal under this section, the court shall hear all pertinent evidence and determine the facts, and upon the facts as so determined, annul such decision if found to exceed the authority of such board, or make such other decree as justice and equity may require. The foregoing remedy shall be exclusive; but the parties shall have all rights of appeal and exception as in other equity cases.

Costs shall not be allowed against said board of appeals unless it shall appear to the court that the board in making the decision appealed from acted with gross negligence, in bad faith or with malice; and costs shall not be allowed against the party appealing from the decision of the board unless it shall appear to the court that said party acted in bad faith or with malice in appealing to the court.

All issues in any proceeding under this section shall have precedence over all other civil actions and proceedings.

SECTION 12 (as amended by St. 1974, c. 669, s. 2). The superior court or, in the event that the premises involved are used or intended or permitted for use as a place of human habitation, the housing court of the city of Boston sitting as aforesaid shall have jurisdiction to enforce the provisions of this act, and any zoning regulation or amendment thereof adopted under this act, and may restrain by injunction violation thereof.

SECTION 13. Chapter four hundred and eighty-eight of the acts of nineteen hundred and twenty-four, as amended, is hereby repealed.

SECTION 14 (as amended by St. 1957, c. 408, and St. 1964, c. 244). Sections one to twelve, inclusive, of this act shall take effect upon the acceptance of this act prior to June first, nineteen hundred and fifty-eight, by vote of the city council of the city of Boston, subject to the provisions of its charter, but not otherwise. Section thirteen of this act shall take effect at the same time as the zoning regulation originally dividing the city of Boston into districts under this act and establishing the regulations and restrictions to be enforced in said districts takes effect, provided, that the zoning regulation originally dividing the city of Boston into districts under this act and establishing the regulations and restrictions to be enforced

in said district shall, after its adoption, be reported by the zoning commission to the general court by filing the same with the clerk of the senate and shall not take effect until December thirty-first, nineteen hundred and sixty-four

(Note: Chapter 665 of the Acts of 1956 was accepted by order passed by the City Council on May 19, 1958, and approved by the Mayor on May 22, 1958. The Boston Zoning Code was finally adopted by the Zoning Commission of the City of Boston on March 29, 1963 and became effective on December 31, 1964.)



## ZONING REGULATION

### ARTICLE 1

#### TITLE, PURPOSE AND SCOPE

SECTION 1-1. **Title.** This regulation shall be known and may be cited as the "Boston Zoning Code".

SECTION 1-2. **Purpose.** The purposes of this code are hereby declared to be: to promote the health, safety, convenience, morals and welfare of the inhabitants of the City; to encourage the most appropriate use of land throughout the City; to prevent overcrowding of land; to conserve the value of land and buildings; to lessen congestion in the streets; to avoid undue concentration of population; to provide adequate light and air; to secure safety from fire, panic and other dangers; to facilitate adequate provision for transportation, water, sewerage, schools, parks and other public requirements; and to preserve and increase the amenities of the City.

SECTION 1-3. **Scope.** In their interpretation and application, the provisions of this code shall not be construed to repeal, abrogate, annul or in any way impair or interfere with the provisions of other regulations, laws or ordinances except Chapter 488 of the Acts of 1924, as amended, which is repealed on the effective date of this code, or with provisions of private restrictions placed upon property by covenant, deed or other private agreement, or with provisions of restrictive covenants running with the land to which the City is a party. Where this code imposes a greater restriction than is imposed or required by any of the aforesaid provisions, the provisions of this code shall prevail.

## ARTICLE 2

### DEFINITIONS

**SECTION 2-1. Meaning of Certain Words and Phrases.** As used in this code, the following words and phrases shall have the meanings given in the following clauses, unless a contrary intention clearly appears:

(1) "Accessory building", a structure devoted exclusively to a use accessory to a main use of the lot.

(2) "Accessory use", a use customarily incident to, and on the same lot as, a main use.

‡(2A) "Amusement game machine", a machine, apparatus, device, or mechanism, by which entertainment requiring or involving participation therein or the use of skill therein by a player or patron is furnished for profit, including, but not exclusively, video games and pinball machines, and excluding pool tables, sippio tables, billiard tables, and bowling alleys. An amusement game machine may be, but need not be, controlled by a coin, token, or slug.

(‡As inserted on June 2, 1983)

(3) "Apartment hotel", a building primarily for persons who have their residence therein, containing four or more apartments which do not have kitchens.

‡(3A) "Bank, drive-in", a bank which provides, as all or part of its services, one or more teller's windows for the use of persons while seated in motor vehicles.

(‡As inserted on November 30, 1973, and amended on April 11, 1979)

(3B) "Bay window", a fenestrated projection from the face of a building entirely contained within the following dimensions:

(a) depth not to exceed five feet, (b) width not to exceed eighteen feet or seventy percent of the width of the building,

whichever is the lesser, and (c) each side to form an angle with the face of the building of not less than one hundred thirty-five degrees. (Illustrated in Appendix 2.)

(‡As amended February 17, 1971 and November 30, 1973)

(4) "Block", the lot or lots fronting on the same side of the same street between two streets intersecting such street on such side with no other such intersecting street intervening.

(5) "Board of Appeal", the Board of Appeal in the Building Department of the City.

‡(6) "Boarding house", any dwelling (other than a hotel, motel, apartment hotel, dormitory, fraternity or sorority house) in which board is provided to five or more persons who are not within the second degree of kinship.

(‡As amended February 3, 1966)

(7) "Building", a structure forming a shelter for persons, animals or property and having a roof, exclusive, however, of such frameworks and tents as are customarily used exclusively for outdoor carnivals, lawn parties, or like activities. Where the context allows, the word "building" shall be construed as though followed by the words "or part thereof".

(8) "Building Commissioner", the Building Commissioner of the City.

(9) "City", the City of Boston.

(10) "Clinic", a place for the medical or similar examination and treatment of persons as outpatients.

(11) "Commission", the Zoning Commission of the City.

‡(11A) "Dormitory", any dwelling (other than a fraternity or sorority house) occupied primarily as a place of temporary abode by persons attending educational institutions.

(‡As inserted on February 3, 1966)

(12) "Dwelling", a building or structure used in whole or in part for human habitation.

(13) "Dwelling, detached", a dwelling which is designed to be and is substantially separate from any other structure or structures except accessory buildings.

(14) "Dwelling, multi-family", a building containing three or more dwelling units, but not including a motel.

(15) "Dwelling, semi-detached", a dwelling having a party wall in common with another dwelling but which otherwise is designed to be and is substantially separate from any other structure or structures except accessory buildings.

(16) "Dwelling unit", a room or group of rooms forming a habitable unit for one family with facilities used or intended to be used for living, sleeping, cooking and eating.



(17) "Erect", to construct or reconstruct or excavate, fill, drain, or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction, or to move a building or structure upon a lot.

(18) "Extend", to increase in area or volume.

(19) "Family", one or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit, provided that a group of five or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

(20) "Floor area ratio", the ratio of gross floor area of a structure to the total area of the lot.

‡(21) "Floor area, gross", the sum of areas of the several floors of the structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding (a) garage space which is in the basement of a building or, in the case of garage space accessory to a dwelling, is at grade, (b) basement and cellar areas devoted exclusively to uses accessory to the operation of the structure, and (c) areas elsewhere in the structure devoted to housing mechanical equipment customarily located in the basement or cellar such as heating and air conditioning equipment, plumbing, electrical equipment, laundry facilities and storage facilities, provided, however, that in an H-2-45, H-2-65, H-3-65, L-2-65 or B-3-65 district no area in an existing structure previously included in gross floor area and no area in any addition to an existing structure, except areas not used or designed to be used for human occupancy, such as attics, basements, cellars or space under sloping eaves, shall be excludable from gross floor area as area for storage facilities or laundry facilities.

(‡As amended September 27, 1973, March 5, 1980, October 31, 1980, and June 16, 1982)

(22) "Grade", in cases where all walls of the principal building are more than five feet from the nearest street line, the mean elevation of the ground adjoining the building on all sides; and in all other cases, the mean elevation of the nearest sidewalk.

‡(22A) "Group care residence, general", premises for the residential care or supervision (but not including custodial care) of ex-alcoholics, ex-drug addicts, pre-release or post-release convicts or juveniles under seventeen years of age who are under the care of correctional agencies of the Commonwealth, but not including the residential care of mentally ill, mentally retarded, or physically handicapped persons if such care is licensed, regulated or operated by the Commonwealth of Massachusetts or operated by a vendor under contract with the Commonwealth.

(‡As inserted on November 9, 1978)

‡(22B) "Group care residence, limited", premises licensed, regulated or operated by the Commonwealth of Massachusetts or operated by a vendor under contract with the Commonwealth for the residential care or supervision in any single dwelling unit of no fewer than five nor more than twelve mentally ill, mentally retarded, or physically handicapped persons, plus resident staff.

(‡As inserted on August 10, 1979)

‡(23) "Height of building", the vertical distance of the highest point of the roof, excluding roof structures normally built above the roof and not devoted to human occupancy, above the mean grade of the sidewalk at the line of the street or streets on which the building abuts, or, in the case of a building not abutting on a street, above the mean grade of the ground between the building and whichever of the following is nearer, namely, a line twenty feet from the building or the lot line; but in no event shall the mean grade of such ground be taken to be more than five feet above or below the mean grade of the ground immediately contiguous to the building.

(‡As amended on July 9, 1973)

‡(24) “Hotel”, a building (other than a dormitory) containing four or more apartments without kitchens, or containing sleeping accommodations for ten or more persons, primarily the temporary abode of persons who have their residences elsewhere.

(‡As amended on February 3, 1966)

‡(25) “Lodging house”, any dwelling (other than a boarding house, dormitory, fraternity, sorority house, hotel, motel or apartment hotel) in which living space, without kitchen facilities, is let to five or more persons who are not within the second degree of kinship.

(‡As amended on February 3, 1966)

‡(26) “Lot”, a parcel of land including land under water, whether or not platted, in single ownership, and not divided by a street.

(‡As amended on April 14, 1967)

(27) “Lot area”, the horizontal area of the lot exclusive (a) of any area in a street or private way open to public use, and (b) of any fresh-water area more than ten feet from the shoreline, and (c) of any salt-water area below the mean high-tide line.

(28) “Lot, corner”, a lot with boundaries abutting on, and meeting at the intersection of, two streets when the lines of such boundaries form within such lot at such intersection an angle of not more than 135°. In the case of a curved boundary, the tangent to such curved boundary at its point of intersection with another boundary of the lot shall be deemed to be the line of such boundary for the purposes of this definition.

(29) “Lot, depth”, the horizontal distance between the front and rear lot lines measured by the length, within the lot, of a straight line connecting the midpoint of a straight line between the foremost points of the side lot lines with the midpoint of a

straight line between the rearmost points of the side lot lines.

(‡As amended on April 14, 1967)

(30) "Lot line, front", the line separating the lot from the street. The owner of a lot abutting on two or more streets may designate as the front lot line whichever of the two widest streets he chooses.

(31) "Lot line, rear", the line which most nearly qualifies as the line most distant and opposite from the front lot line; where the lot is irregularly shaped, a line perpendicular to the mean direction of the side lot lines, and at least ten feet in length within the lot.

‡(32) "Lot width", the shortest horizontal distance between the side lot lines measured perpendicular to the mean direction of two straight lines, one between the foremost and rearmost points of one side lot line, and the other between the foremost and rearmost points of the other side lot line.

(‡As amended on April 14, 1967)

‡(32A) "Mobile home", a dwelling, other than a recreational vehicle, that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation.

(‡As inserted on March 26, 1982)

(33) "Motel", a hotel primarily for transients travelling by automobile, with a parking space on the lot for each lodging unit, and with access to each such unit directly from the outside.

(34) "Nonconforming use", a use of a structure or lot that does not conform to a regulation prescribed by this code for the



district in which it is located; provided that such use was lawfully in existence on the effective date of this code or, in the case of a use made nonconforming by an amendment of this code, on the effective date of such amendment.

(35) "Occupied", shall include the words "designed, arranged, or intended to be occupied".

(36) "Parapet line", a horizontal line at the mean height of the wall of the building nearest to, and substantially parallel with, the lot line from which a setback is being measured.

(37) "Public open space", an open space in public ownership devoted or to be devoted to a public use with only minor accessory buildings, if any. No structure that exceeds twenty feet in height or two thousand square feet in gross floor area shall be considered to be a part of such public open space. "Public open space" shall be construed to include a street.

(38) "Restricted, more, and less", a use district is "more restricted" if it is listed earlier in Section 3-1 and "less restricted" if listed later in said section.

‡(38A) "Rounding numbers, rule for", when a decimal must be rounded to the nearest whole number, as in the case of off-street parking requirements, or to the nearest foot, under Section 18-2 (as most recently amended on October 22, 1974), and when the only digit dropped is .5, then if the last digit retained is an even number, it shall be left unchanged; but if the last digit retained is an odd number, it shall be increased to the next higher digit. In the case of rounding to the nearest half foot under Section 18-2 (as most recently amended on October 22, 1974), if the only digits dropped are .25, the preceding digit shall be left unchanged; but if the only digits dropped are .75, the preceding digit shall be raised to the next higher number.

(‡As inserted on November 27, 1974)

‡(38B) "Row house", one of a group of three or more houses sharing a common or party wall on one or both side lot lines.

(‡As amended on July 9, 1973 and November 27, 1974)

‡(38C) "School", buildings, premises and parts thereof in which a regular course of public or private instruction is given.

(‡As inserted on April 11, 1979)

(39) "Shall", shall be considered mandatory and not directory.

‡(40) "Sign", any structure, device, light, letter, word, model, banner, pennant, insignia, trade flag, or representation which is designed to be seen from outside a building and which advertises or announces a use conducted or goods, products, services or facilities available, including electric signs in windows or doors, but excluding window displays of merchandise and signs incidental to the display of merchandise.

(‡As amended on December 18, 1972)

(41) "Sign, area of":

- (a) For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
- (b) For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background of a different color than the natural color of the building.

‡(c) Where the sign consists of individual letters or symbols attached to or painted on a surface, building, canopy, awning wall or window, the area shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all of the letters or symbols.

(‡As amended on December 18, 1972)

‡(d) Only one face of a two-faced sign shall be counted in computing the area of a sign, or the total area of signs on a sign frontage or on a lot.

(‡As inserted on December 18, 1972 and amended on June 7, 1974.)

‡(41A) "Sign, awning", a sign on or attached to a temporary retractable shelter which is supported entirely from the exterior wall of a building.

‡(41B) "Sign, canopy", a sign on or attached to a permanent overhanging shelter which projects from the face of a building and is supported only partially by said building.

‡(41C) "Sign, design, comprehensive", a plan submitted to the Urban Design Department of the Boston Redevelopment Authority for signs and related architectural features on a sign frontage, a building front or a group of buildings.

‡(41D) "Sign frontage", the length along a ground floor building front, facing a street or a private way accessible from a street, which is occupied by a separate and distinct use, as

defined by article 8; the length along a ground floor building side, facing a street, which is occupied by a separate and distinct use or by the same use which occupies the front of said building.

‡(41E) "Sign, marquee", a sign on or attached to a permanent overhanging shelter which projects from the face of a building and is entirely supported by said building.

‡(41F) "Sign, off-premise", a sign which advertises or announces a use conducted or goods available elsewhere than on the lot on which the sign is located.

‡(41G) "Sign, on premise", a sign which advertises or announces a use conducted or goods available on the lot on which the sign is located.

(‡As inserted on April 11, 1973)

(42) "Story", that portion of a building included between the top surface of a floor and the top surface of the next floor or roof above, except that a space used exclusively for the housing of mechanical services of the building shall not be considered to be a story if access to such space may be had only for maintenance of such services.

(43) "Story, first", the lowest story of which sixty-five percent or more of the height is above the mean grade from which the height



of the building is measured.

(44) "Street", a public way, alley, lane, court, sidewalk and such parts of public squares and public places as form travelled parts of highways.

(45) "Street line", the line separating a street from a lot.

(46) "Structure", a combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole, or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part thereof".

(47) "Trailer park", a parking space for two or more trailers used as dwellings.

‡(48) "Usable open space", space suitable for recreation, swimming pool, tennis court, gardens, or household service activities, such as clothes drying. Such space must be at least seventy-five per cent open to the sky, free of automotive traffic, parking, and undue hazard, and readily accessible by all those for whom it is required.

‡(As amended on April 14, 1967)

(49) "Use", as a verb, shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented or leased to be used".

(50) "Yard, front", an open space extending across the full width of the lot and lying between the front lot line and the nearest building.

(51) "Yard, rear", an open space immediately behind the rearmost main building on the lot and extending across the full width of the lot.

(52) "Yard, side", an open space along the side line of a lot, extending from the front yard line to the rear yard line; in the case of a side yard abutting on a street, extending to the rear lot line.

‡SECTION 2-2. **Other Words and Phrases.** Words and phrases not defined in Section 2-1 but defined in the Commonwealth of Massachusetts State Building Code shall have the meanings given in the Commonwealth of Massachusetts State Building Code unless a contrary intention clearly appears.

(‡As amended on April 11, 1979)

SECTION 2-3. **Rules of Construction.** Words importing the singular shall include the plural; and words importing the plural shall include the singular.

## ARTICLE 3

### ESTABLISHMENT OF ZONING DISTRICTS

‡SECTION 3-1. **Division of City into Districts.** For the purposes of this code the City is hereby divided into districts as follows: three classes of residential districts: S (single family), R (general), and H (apartment); two classes of business districts: L (local) and B (general); and three classes of industrial districts: M (restricted manufacturing), I (general) and W (waterfront); each of which is further subdivided into subdistricts identified by a number which represents maximum allowed floor area ratio and some of which have a second number which represents a height limit, as follows:

#### (a) Residential Districts

S-.3	}	Single Family
S-.5		
R-.5	}	General
R-.8		
H-1-40	}	Apartment
H-1-50		
H-1		
H-2-45		
H-2-65		
H-2		
H-3-65		
H-3		
H-4		
H-5		

## (b) Business Districts

L-.5	{	Local
L-1		
L-2-65		
L-2		
B-1	{	General
B-2		
B-3-65		
B-4		
B-8-120		
B-8		
B-10-155		
B-10		

## (c) Industrial Districts

M-1	{	Restricted Manufacturing
M-2		
M-4		
M-8		
I-2	}	General Industrial
W-2	}	Waterfront Industrial



**‡Urban Renewal Areas.** Upon application from the Boston Redevelopment Authority, the whole or any part of a subdistrict may be established as an urban renewal area if all land within such urban renewal area is the site of or for a low rent housing project, or a housing project for elderly persons of low income, or consists solely of land, including land under water, with respect to which an agreement has been entered into with said Authority establishing use and dimensional controls as specified in a land assembly and redevelopment, or urban renewal plan, as defined in Chapter 121 of the General Laws. Section 13-1 (except the maximum floor area ratio specified in Table B thereof), Sections 13-2 and 13-4, and Articles 14, 16, 17, 18, 19, 20, 21, and 22 shall not apply to urban renewal areas; but except as otherwise provided in Article 6A, urban renewal areas shall be subject to all other provisions of this code applicable to the subdistrict in which the area is located.

(‡As inserted on September 7, 1967, and amended on July 2, 1968)

**‡Restricted Parking District.** A contiguous group of subdistricts or parts thereof may be established as a restricted parking district. Within a restricted parking district, off-street parking facilities including parking lots, parking garages, and parking accessory or ancillary to any use other than Use Items numbered 1 through 15 shall be conditional uses, which may be granted only in conformance with the provisions of Section 6-3A as well as Section 6-3.

(‡As inserted on September 27, 1973)

**‡Adult Entertainment District.** An adult entertainment district is an overlay district in which Use Items No. 34A and 38A (adult books and adult entertainment) are allowed, and in which the prohibition of moving or flashing signs in Section 11-2 does not apply.

(‡As inserted on November 27, 1974)

**‡Flood Hazard Districts.** The location of and regulations for flood hazard districts are set forth in Article 25 of this code.

(‡As inserted on March 24, 1977)

**‡Institutional District.** Notwithstanding the provisions of Table A of Section 8-7, in an institutional district the following uses are conditional uses in instances where they would otherwise be allowed under said Table A: any use listed under Use Item No. 16, 17, 20, 22A, 28, 29, or 30. Use Item No 72, accessory parking, shall be a conditional use if the main use to which it is accessory is in existence at the time that new or additional parking spaces are applied for and if such main use is a use listed under Use Item No. 11, 12, 13, 13A, 14, 16, 16A, 17, 18, 19, 20, 22A, 28, 29, or 30.

(‡As inserted on June 8, 1977)

**‡Restricted Roof Structure District.** All or part of a subdistrict that is characterized by groups of residential buildings with identical or similar heights within such groups may be designated as a restricted roof structure district, the regulations for which are set forth in Section 16-8.

(‡As inserted on August 20, 1981)

**SECTION 3-2. Interpretation of District Boundaries.** Where a district boundary is indicated on a map constituting part of this code as approximately following, or parallel to, the center line or side line of a street, highway, railroad right-of-way, or water course, such boundary shall be construed as following, or as being parallel to, such center line or side line. Where a district boundary is indicated on such a map as approximately following a lot line, such line shall be construed to be said boundary. If no distance is indicated on such a map for a district boundary running parallel to the center line or side line of a street or highway, such dimension shall be assumed to be one hundred feet from such line or, if as determined by the use of the scale shown on such map it is at least twenty feet more, or twenty feet less, than one hundred feet, it shall be as so scaled.

## ARTICLE 4.

## APPLICATION OF REGULATIONS

SECTION 4-1. **Conformity of Buildings and Land.** Except as provided in Chapter 665 of the Acts of 1956 as now in force or hereafter amended or in this code, no structure or land shall be used or occupied, and no structure or part thereof shall be erected, reconstructed, extended, or altered except in conformity with the regulations specified in this code for the district in which it is located; provided, however, that nothing in this code shall prevent the strengthening or restoring to a safe condition of any portion of a structure declared unsafe by the Building Commissioner or any other board or officer authorized by law to do so.

SECTION 4-2. **Structure or Use Approved Prior to Effective Date of Code.** Nothing herein contained shall affect any structure or use for which a building or use permit is lawfully issued prior to the effective date of this code; provided, that construction work under such building permit, or occupancy under such use permit, is commenced within six months of the date of such permit and proceeds in good faith continuously so far as is reasonably practical under the circumstances; and provided further that all construction work is completed within two years from the effective date of this code and in accordance with the building permit as in effect on said effective date.

SECTION 4-3. **Building or Use Permit Required.** It shall be unlawful to use, or permit the use of, any land or structure or part thereof hereafter erected, or altered wholly or partly, or the yards or other open spaces of which are in any way reduced, until the Building Commissioner shall have certified on the building permit, or if no building permit is needed, shall have issued a use permit specifying, the use to which the land or the structure upon being sufficiently completed to comply with the provisions and regulations relating thereto, may be put.

## ARTICLE 5

### ADMINISTRATION AND PROCEDURE

SECTION 5-1. **Enforcement.** It shall be the duty of the Building Commissioner to enforce the provisions of this code.

SECTION 5-2. **Procedure for Appeal.** Every appeal to the Board of Appeal shall be in writing and on a form prescribed by said Board. Every such appeal shall refer to the specific provisions of this code involved, and shall exactly set forth the interpretation that is claimed, the conditional use for which permission is sought, or



the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

A copy of every decision of the Board of Appeal on a matter on which the Boston Redevelopment Authority has filed a report shall be transmitted by said Board to said Authority.

**SECTION 5-3. Limitation on Appeal.** If an appeal for an interpretation, conditional use, or variance is decided by the Board of Appeal adversely to the appellant, no appeal for the same interpretation, conditional use, or variance shall be considered on its merits by said Board within one year after such adverse decision, except with the concurring vote of not less than four-fifths of the members of said Board.

‡**SECTION 5-4. Cost of a Hearing before the Zoning Commission.** The estimated average cost to the City of a hearing before the Zoning Commission on a proposed amendment of this code is hereby established as one hundred and fifty dollars.

(‡As amended on May 26, 1970 and Aug. 18, 1980)

## ARTICLE 6

### CONDITIONAL USES

‡SECTION 6-1. **Permit for Conditional Uses.** As provided for in Section 10 of Chapter 665 of the Acts of 1956, as now in force or hereafter amended, and in Section 8-3 of this code, and subject to the provisions of Section 6-2, 6-3, 6-3A and 6-4, the Board of Appeal may, in a specific case after public notice and hearing, grant permission for a use specified in Table A of Section 8-7 as a conditional use; provided, however, that such permission shall lapse and become null and void unless such conditional use is commenced within two years after the record of said Board's proceedings pertaining thereto is filed in the office of the Building Commissioner pursuant to Section 8 of said Chapter 665.

(‡As amended on September 27, 1973)

‡SECTION 6-2. **Procedure for Appeal.** Each appeal for a conditional use shall be filed in quadruplicate with the Building Commissioner, who shall retain one copy for his files and transmit the other copies as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and the other to the Zoning Commission. The Boston Redevelopment Authority shall, within thirty days after the date of such transmittal, file with the Board of Appeal a report with recommendations, together with material, maps or plans to aid the Board of Appeal in judging the appeal

and determining special conditions and safeguards. The Board of Appeal shall not hold a hearing nor render any decision on an appeal for a conditional use until such report with recommendations has been received and considered, provided that if no such report is received within said thirty days, the Board of Appeal may hold a hearing and render its decision without such report.

(As amended on May 26, 1970)

**SECTION 6-3. Conditions Required for Approval.** The Board of Appeal shall grant any such appeal only if it finds that all of the following conditions are met:

- (a) the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use under Section 9-2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted;
- (b) the use will not adversely affect the neighborhood;
- (c) there will be no serious hazard to vehicles or pedestrians from the use;
- (d) no nuisance will be created by the use; and
- (e) adequate and appropriate facilities will be provided for the proper operation of the use.

‡SECTION 6-3A. **Additional Conditions Required for Approval of Parking Facilities in a Restricted Parking District.** In a restricted parking district, the Board of Appeal shall grant a conditional use for an off-street parking facility, whether a parking lot, a public garage, or parking which is accessory or ancillary to any use other than Use Items numbered 1 through 15, only if the Board of Appeal finds that said facility meets one or more of the following conditions:

- a. It will serve a traffic demand not adequately provided for by public transportation; or
- b. It will replace existing off-street parking spaces in one or more nearby parking facilities, or it will replace legal on-street parking spaces that have been physically eliminated through permanent modification or demolition; or
- c. It is accessory or ancillary to a use which by its nature does not contribute significantly to traffic flows during peak traffic periods; or
- d. The facility constitutes a temporary parking lot use of land and that serious intent to reuse the land for an allowed use within a specified period of time has been demonstrated to the satisfaction of the Board of Appeal.

(‡As inserted on September 27, 1973 and amended on September 2, 1976)

SECTION 6-4. **Other Conditions Necessary as Protection.** In approving a conditional use, the Board of Appeal may attach such conditions and safeguards as it deems necessary to assure harmony with the general purposes and intent of this code, such as, but not limited to, the following:

- (a) requirement of front, side, and rear yards greater than the minimum required by this code;
- (b) requirement of screening of parking areas and other parts of the lot from adjoining lots or from the street, by walls, fences, planting, or other devices;



**SECTION 8-4. Forbidden Uses.** No land or structure in any district shall be erected, used, or arranged or designed to be used, in whole or in part, for any use specified in the use item column of Table A of Section 8-7 if the letter “F” is set against such use in the column headed by the designation of such district, except for such nonconforming uses as may be allowed to be continued under the provisions of Article 9.

**SECTION 8-5. Uses Subject to Other Regulations.** Allowed and conditional uses shall be subject, in addition to use regulations of height, area, yard, setback, lot size and area, lot width, and building bulk, to such provisions for off-street parking and loading, and to such other provisions as are specified in other sections of this code.

‡**SECTION 8-6. Pre-Existing Conditional Uses.** Any use existing on the effective date of this code which this code classifies as a conditional use in the district in which the land occupied by the use is located, and also any use existing on the effective date of any amendment of this code which such amendment so classifies, shall be deemed to have been authorized as a conditional use subject to maintaining the character and extent of operations and structures existing on the

effective date of this code or of such amendment, as the case may be. Any application for a change in use or an increase in the area devoted to such use shall be subject to the provisions of Article 6, but no conditional use permit shall be required for the replacement of gross floor area lost by fire or other casualty.

(‡As amended on January 8, 1982)

**SECTION 8-7. Use Regulations.** No land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, except in conformity with the following table:

TABLE A: USE REGULATIONS

‡Key: Residential	Business	Industrial	Status
S = Single	L = Local	M = Restricted	A = Allowed
R = General	B = General	I = General	C = Conditional
H = Apartment		W = Waterfront	F = Forbidden

ID = Institutional District. See Section 3-1A for specific regulations.

(‡As amended on April 11, 1979)

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	<b>SINGLE FAMILY DWELLINGS</b>								
1	Detached dwelling, occupied by not more than one family . . . . .	A	A	A	A	A	F	F	F

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
2	Semi-detached dwelling occupied by not more than one family on each side of a party wall . . . . .	F	A	A	A	A	F	F	F
3	Attached or row house occupied by not more than one family in each structure between fire walls . . . . .	F	A	A	A	A	F	F	F
TWO-FAMILY DWELLINGS									
4	Detached dwelling occupied by not more than two families . . . . .	F	A	A	A	A	F	F	F
5	Semi-detached dwelling occupied by not more than two families on each side of a party wall . . . . .	F	A	A	A	A	F	F	F
6	Attached or row house occupied by not more than two families in each structure between fire walls . . . . .	F	A	A	A	A	F	F	F

		District								
NO.	USE ITEM	S	R	H	L	B	M	I	W	
MULTI-FAMILY DWELLINGS										
7	Building or group of buildings for occupancy by three or more families in separate dwelling units including apartment hotel without accessory uses specified in Use Item No. 78 . . . . . # F in R-.5; A in R-.8.	F	#	A	A	A	C	F	C	
GROUP CARE RESIDENCES										
‡7A	Group care residence, general, as defined in Section 2-1, clause 22A . . . . . (‡As inserted on November 9, 1978)	C	C	C	C	C	C	F	F	
‡7B	Group care residence, limited, as defined by clause 22B of Section 2-1 . . . . . *Provided that (1) no limited group care residence is within 1,000 feet of another limited group care residence and (2) a cooperation agreement exists relating to the location and operation of such facilities between the Boston Redevelopment Authority, the City of Boston and the agency of the Commonwealth operating, licensing or regulating such facilities; otherwise C. (‡As inserted on August 10, 1979)	A*	A*	A*	A*	A*	C	C	F	
CONVERSION OF DWELLING STRUCTURES										
‡8	Any dwelling converted for more families . . . . .  *Where structures after conversion will conform to this code.  †Provided that after conversion, the lot area per dwelling unit, the	F	A* C†	A* C†	A* C†	A* C†	C†	F	C†	



## District

NO.	USE ITEM	S	R	H	L	B	M	I	W
	open space, and the off-street parking each meet not less than one half the requirements of this code and that after conversion any nonconformity as to floor area ratio and yard dimension is no greater than prior to conversion.								
	(‡As amended on April 14, 1967, and April 11, 1979)								
	TEMPORARY DWELLINGS								
9	Temporary dwelling structure . . . . .	C	C	C	C	C	C	C	C
	LODGING HOUSES, DORMITORIES, HOTELS, etc.								
‡10	Lodging or boarding house . . . . .	F	C	C	A*	A*	F	F	F
	*Except C in L-2-65 and B-3-65.								
	(‡As amended on September 16, 1965, February 17, 1971, March 20, 1972, March 28, 1975, October 19, 1978, and October 31, 1980)								

NO.	USE ITEM	DISTRICT							
		S	R	H	L	B	M	I	W
‡11	Dormitory on the same lot as, and accessory to, a use specified in Use Item No. 16A or Use Item No. 18 on a lot of three acres or more .....	C	C	C*	C	C	F	F	F
	*Except F in H-2-65								
	(‡As amended on Sept. 16, 1965, Dec. 5, 1966, May 26, 1970, Feb. 17, 1971, March 20, 1972 and Feb. 28, 1979.)								
‡12	Dormitory on the same lot as, and accessory to, a use specified in Use Item No. 16A or Use Item No. 18 on a lot of less than three acres .....	C	C	C*	C	C	F	F	F
	*Except F in H-2-65								
	(‡As amended on Dec. 5, 1966, May 26, 1970, Feb. 17, 1971, Mar. 20, 1972 and Feb. 28, 1979.)								
‡13	Dormitory not upon the same lot as, but accessory to, a use specified in								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	Use Item No. 16A or Use Item No. 18 .....	C	C	C*	C	C	F	F	F
	*Except F in H-2-65.								
	(‡As amended on Dec. 5, 1966, May 26, 1970, Feb. 17, 1971, Mar. 20, 1972 and Feb. 28, 1979)								
‡13A	Dormitory not accessory to a use specified in Use Item No. 16A or Use Item No. 18 .....	F	C	C*	C	C	F	F	F
	*Except F in H-2-65 and H-3-65.								
	(‡As inserted on Feb. 3, 1966 and amended on Dec. 5, 1966, May 26, 1970, Feb. 17, 1971, Mar. 20, 1972, Oct. 19, 1978, and Oct. 31, 1980.)								
‡14	Fraternity or sorority house .....	F	C	C*	C	C	F	F	F
	*Except F in H-2-65, H-3-65 and H-5.								
	(‡As amended on September 16, 1965, Dec. 5, 1966, May 26, 1970, Feb. 17, 1971, March 20, 1972, Feb. 28, 1979, and Oct. 31, 1980)								

		District								
NO.	USE ITEM	S	R	H	L	B	M	I	W	
‡15	Hotel; motel; apartment hotel . . . . .	F	F	C*	#	A	F	F	F	
	*Except F in H-2-65 and H-3-65.									
	#F in L-5 and L-1; A in L-2; C in L-2-65.									
	(‡As amended on October 22, 1974, October 19, 1978, and October 31, 1980)									
	EDUCATIONAL INSTITUTIONS									
‡16 ID	Elementary or secondary school attendance at which satisfies the requirements of the compulsory education laws of the Commonwealth of Massachusetts. .	A*	A*	#	A*	A†	C	F	C	
	*Provided that no play space or parking area is nearer any lot line than the front yard depth required by this code for the lot, and that the requirements of St. 1956, c. 665, s. 2, where apt, are met.									
	#A* except C* in H-2-65 and except C* in H-3-65 if an elementary school and F in H-3-65 if a secondary school.									
	† Subject to St. 1956, c. 665, s. 2.									
	(‡As amended on September 7, 1967, May 26, 1970, Oct. 19, 1978, April 11, 1979, and Oct. 31, 1980)									



		District							
NO.	USE ITEM	S	R	H	L	B	M	I	W
‡16A	College or university granting degrees by authority of the Commonwealth of Massachusetts . . . . .	C	C	C*	C	C	C	C	F
	<p>*Except F in H-2-65 and H-3-65; provided, however, that the use shall be C in these districts if it will occupy space being used by the same educational institution for Use Item No. 11, 12, 13, 20, 24, or 79 at the time that such change in use is proposed.</p> <p>(‡As amended on September 7, 1967, May 26, 1970, November 23, 1979, and October 31, 1980)</p>								
‡17 ID	Day care center; nursery school; kindergarten . . . . .	C	C+	A*	A	A	A	A	C
	<p>+ Except A in an R-.8 district, provided that the facility accommodates no more than 60 children and the use is accessory to Use Item 16, 16A, 20, 21, 27, 28, or 29; otherwise C.</p> <p>*Provided that the facility accommodates no more than 60 children; otherwise conditional; and except C in H-2-65 and H-3-65 regardless of the number of children accommodated.</p> <p>(‡As amended on March 20, 1972, June 7 and October 22, 1974, October 19, 1978, April 11, 1979, and October 31, 1980)</p>								
‡18	Trade, professional or other school . . . . .	F	F	C*	C	C	C	C	C
	<p>*Except F in H-2-65 and H-3-65.</p> <p>(‡As amended on May 26, 1970, October 19, 1978, and October 31, 1980)</p>								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
‡19	Machine shop or other noisy activity accessory to a school, college or university . . . . .	C*	C*	C*†	C*	C*	C	C	C
	†Except F in H-2-65 and H-3-65.								
	*Provided that it is located at least one hundred feet from all lot lines and in the opinion of the Board of Appeal is adequately sound-insulated to protect the neighborhood from unnecessary noise.								
	(‡As amended on May 26, 1970, October 19, 1978, and October 31, 1980)								
	OTHER INSTITUTIONAL USES								
‡20 ID	Library or museum, not conducted for profit and not accessory to a use listed under Use Item No. 16A, 18, 22, 23, or 24 . . .	A	A	A	A	A	A	A	C
	(‡As amended on July 9, 1973, Oct. 19, 1978, April 11, 1979, Oct. 31, 1980, and January 8, 1982)								
‡20A	Library or museum not conducted for profit, and accessory to a use listed under Use Item No. 16A, 18, 22, 23, or 24, whether or not in the same lot . . . . .	C*	C*	C*	C*	C*	C*	C*	C*
	*Except A if accessory to Use Item No. 22 and if at least one of the provisos in the footnote of Use Item 22 is met.								
	(‡As inserted on January 8, 1982)								
‡21	Place of worship; monastery; convent; parish house . . . . .	A	A	A*	A*	A	A	A	A
	*Except C in H-2-65, H-3-65 and L-2-65.								
	(‡As amended on April 14, 1967, Oct. 19, 1978, and Oct. 31, 1980)								

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
‡22	Hospital or sanatorium not providing custodial care for drug addicts, alcoholics or mentally ill or mentally deficient persons; clinic or professional offices accessory to a hospital or sanatorium whether or not on the same lot. . . . .	F	F	C*	C*	C*	F	F	F	
	<p>*Except A provided that (1) the land or structure occupied by such use is located in an urban renewal area (U) overlay district or planned development area (D) overlay district as those areas are defined in Section 3-1A; or (2) such use is the subject of an application for determination of need filed on or before October 22, 1981, with the Department of Public Health of the Commonwealth under Section 25C of Chapter 111 of the General Laws, and such application, as it may be amended or modified, has been granted either prior or subsequent to October 22, 1981, or (3) an extension of a pre-existing structure contains no more than 2,500 square feet of gross floor area or a free standing building contains no more than 500 square feet of gross floor area and, in either case, occupies land in medical institutional use prior to October 22, 1981, or (4) such use will occupy interior space being used by the same institution for Use Item No. 20A, 22, 24, 29, 77 or 79 at the time such change is proposed.</p> <p>(‡As amended on April 14, 1967, June 8, 1977, October 19, 1978, July 11, 1979, October 31, 1980, and January 8, 1982)</p>									
‡22A ID	Convalescent, nursing or rest home; home for the aged; orphanage; or similar institution not for correctional purposes . . . . .	F	F	A*	A*	A*	F	F	F	
	<p>*Provided that custodial care is not provided for drug addicts, alcoholics or mentally ill or mentally deficient persons.</p> <p>(‡As amended on April 14, 1967, June 8, 1977, and April 11, 1979)</p>									

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
‡23	Any use listed under Use Item No. 22 or 22A providing custodial care for drug addicts, alcoholics or mentally ill or mentally deficient persons . . . . .	F	F	F	C	C	C	C	F
	(‡As amended on October 19, 1978)								
‡24	Scientific research and teaching laboratories not conducted for profit and accessory to a use listed under Use Item No. 16, 16A, 22, 22A or 23, whether or not on the same lot, provided that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke and vapor are effectively confined to the lot or so disposed of as not to be a nuisance or hazard to health or safety; and provided also that no noise or vibration is perceptible without instruments more than fifty feet from the lot or any part of the lot . . . . .	F	F	C*	C*	C*	C*	C*	C*
	*Except A if accessory to Use Item No. 16 and also A if accessory to Use Item No. 22 and at least one of the provisos in the footnote of Use Item No. 22 is met.								
	(‡As amended on July 9, 1973, October 19, 1978, October 31, 1980, and January 8, 1982)								
25	Penal or correctional institution; detention home . . . . .	F	F	F	F	C	C	C	F



NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
±26	a. New cemetery .....	C	C	C	C	C	C	C	C	
	b. Extension of a cemetery exist- ing on the effective date of this code.....	A	A	A	A	A	A	A	F	
	c. Mortuary chapel in a cemetery.....	A*	A*	A*	A*	A*	A*	A*	F	
	*Provided that such chapel is located more than one hundred and fifty feet from every lot line of the cemetery that abuts land in a S, R or H district that is not part of a cemetery.									
	D. Crematory in a cemetery.....	A*	A*	A*	A*	A*	A*	A*	F	
*Provided that such crematory is located more than three hundred feet from every lot line of the cemetery that abuts land in a S, R or H district that is not part of a cemetery.										
	e. Columbarium in a cemetery .....	A	A	A	A	A	A	A	F	
(±As amended on April 11, 1979)										

(‡As amended on April 11, 1979)

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
RECREATIONAL USES										
27	Public park or playground; public recreation building . . . . .	A*	A*	A*	A*	A*	C	C	C	
	*Subject to St. 1956, c. 665, s. 2.									
28	Private grounds for games and sport for not conducted for profit . . . . .	A*	A*	A*	A	A	C	C	C	
ID	*Provided (1) that no parking area or active outdoor recreation area is nearer any lot line than the front yard depth required by this code for the lot, and (2) that, unless after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission therefor, there are no accommodations for									

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
	spectators nor outdoor flood-lights nor any indoor or outdoor activity which is in itself noisy.									
	(‡As amended on April 11, 1979)									
‡29 ID	Adult education center building; community center building; settle-ment house . . . . .	A*	A*	A*†	A†	A	C	C	C	
	*Provided (1) that no parking area or active outdoor recreation area is nearer any lot line than the front yard depth required by this code for the lot and (2) that, unless after public notice and hear- ing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission therefor, there are no accommoda- tions for spectators nor outdoor floodlights nor any indoor or out- door activity which is in itself noisy.									
	†Except C in H-2-65, H-3-65 and L-2-65.									
	(‡As amended on October 19, 1978, April 11, 1979, and October 31, 1980)									

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
‡30 ID	Private club (including quarters of fraternal organizations) operated for members only . . . . .	F	C*	C*	C	A†	C	C	C	
	<p>*Provided (1) that no parking area or active outdoor recreation area is nearer any lot line than the front yard depth required by this code for the lot, and (2) that there are no accommodations for spectators nor outdoor floodlights nor any indoor or outdoor activity which is in itself noisy.</p> <p>†Except C in B-3-65.</p> <p>(‡As amended on April 17, 1974, October 19, 1978, April 11, 1979, and October 31, 1980)</p>									
	PUBLIC SERVICE USES									
31	Public service pumping station; public									



NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
	service sub-station, automatic telephone exchange .....	C*	C*	C*	A†	A†	A	A	A	
	*Provided that the structure is essential to service in the residential area in which it is located, that no business office nor any storage building or yard is maintained in connection with it, and that the requirements of St. 1956, c. 665, s. 2, where apt, are met.									
	†Subject to St. 1956, c. 665, s. 2									
32	Telephone exchange (other than automatic) .....	F	F	F	A*	A	A	A	C	
	*Provided that it is essential to service in the area in which it is located.									

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
‡33	Fire station; police station .....	A*	A*	A*	A*	A*	A	A	A
	*Subject to St. 1956, c. 665, s. 2								
	(‡As amended on April 14, 1967)								
	RETAIL BUSINESS								
‡34	Store primarily serving the local retail business needs of the residents of the neighborhood, but not constituting a business as described in Use Item No. 34A, including, but not limited to, store retailing one or more of the following: food, baked goods, groceries, packaged alcoholic beverages, drugs, tobacco products, clothing, dry goods, books, flowers, paint, hardware and minor household appliances .....	F	F	F	A*	A+	A	A	C
	*Except C if the hours during which such establishment is open to the public begin before 6 A.M. or extend beyond 12 midnight, or if such merchandise is sold or displayed out of doors on the premises of such store.								
	+ Except C if merchandise is sold or displayed out of doors on the premises of such store.								
	(‡As amended on May 26, 1972, June 7, 1978, and October 14, 1981)								

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
‡34A	A shop for the barter, rental or sale of printed matter, pictures or motion picture film, if such shop is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age; or if such shop keeps a part of such stock segregated as available to only one or more classes of the public excluding any minor by reason of age; or shop for the barter, rental or sale of printed matter, pictures or motion picture film bearing a legend restricting it to adults only or to one or more classes of the public excluding any minor by reason of age . . . . .	F	F	F	F	F*	F	F	F	
	*Except A in an adult entertainment district.									
	(‡As inserted on May 26, 1972, and amended on April 11, 1973, September 27, 1973, and November 27, 1974).									

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
‡35	Department store, furniture store, general merchandise mart, or other store serving the general retail business needs of a major part of the city, including accessory storage . . . . .	F	F	F	C*	A+	A	A	C
	*The sale or display of merchandise out of doors on the premises of such store shall require a supplementary or separate conditional use permit granted by the Board of Appeal under Sections 6-2, 6-3, and 6-4.								
	+ Except C if merchandise is sold or displayed out of doors on the premises of such store.								
	(‡As amended on October 14, 1981)								
36	Sale of automobiles and trucks where operation is carried on within a structure . . . . .	F	F	F	F	A	A	A	C
	RETAIL CATERING								
‡36A	Sale over the counter, not wholly incidental to a use listed under Use Item No. 34 or Use Item No. 37 or Use Item No. 50, of on-premises prepared food or drink for off premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out . . . . .	F	F	F	C	C	A	A	C
	(‡As inserted on August 12, 1971)								



NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	EATING PLACES AND ENTERTAINMENT								
‡37	Lunch room, restaurant, cafeteria or other place for the service or sale of food or drink for on-premises consumption, provided that there is no dancing nor entertainment other than phonograph, radio and television, and that neither food nor drink is served to, or consumed by, persons while seated in motor vehicles . . . . .	F	F	F	A*	A*	A	A	C
	*Except C in L-2-65, B-3-65 and B-10-155. (‡As amended on August 12, 1971, February 10, 1972, June 7, 1974, October 22, 1974, and October 31, 1980)								
‡37A	The maintenance and operation of any amusement game machine in a private club, dormitory, fraternity or sorority house, or similar noncommercial establishment (other than as an accessory use described in Use Item No. 86a) . . . . .	F	C	C	C	A*	A*	A	C
	*Except C in B-3-65, B-8-120, B-10-155, and M-8. (‡As inserted on June 2, 1983)								
‡38	Place for sale and consumption of food and beverages (other than drive-in restaurant) providing dancing or entertainment or both; theatre (including motion picture theatre, but not drive-in theatre); concert hall; dance hall; skating rink; bowling alley; pool room; billiard parlor; other social, recreational or sports center conducted for profit; or any commercial establishment maintaining and operating any amusement game machine (other than as an accessory use described in Use Item No. 86b or 86c); provided that such establishment is customarily open to the public at large and does not exclude								

NO.	USE ITEM	S	R	H	L	B	M	I	W
	any minor by reason of age as a prevailing practice . . . . .	F	F	F	F	A*	#	A	C
	*A in B-1, B-2, B-4, B-8 and B-10; C in B-3-65, B-8-120 and B-10-155.								
	#A in M-1, M-2, M-4; C in M-8.								
	(‡As amended on April 14, 1967, April 11 and September 27, 1973, November 27, 1974, October 31, 1980, and June 2, 1983)								
‡38A	Any of the uses enumerated in Use Items 38 and 52 if such establishment is customarily not open to the public generally but only to one or more classes of the public excluding any minor by reason of age . . . . .	F	F	F	F	F*	F	F	F
	*Except A in an adult entertainment district.								
	(‡As inserted on November 27, 1974)								
	OFFICE USES								
‡39	Office of accountant, architect, attorney, dentist, physician, or other professional person, not accessory to a main use . . . . .	F	F	C*	A	A	A	A	C
	*Except F in H-2-65 and H-3-65; C in H-1, H-1-40, H-1-50, H-2, H-2-45 or H-3 only if it is within two hundred feet of an H-4, H-5, L, B, M, I or W district.								
	(‡As amended on February 17, 1971, March 20, 1972, July 9, 1973, October 19, 1978, February 28, 1979, October 31, 1980, and June 16, 1982)								
‡39A	Clinic not accessory to a main use . . . . .	F	F	C*	A†	A†	A	A	C
	*Provided that if in an H-1, H-1-40, H-1-50, H-2, H-2-45, H-2-65 or H-3 district, it is within two hundred feet of an H-3-65, H-4, H-5, L, B, M, I or W district.								
	†Except C in L-2-65 and B-3-65.								
	(‡As amended on October 19, 1978, February 28, 1979, October 31, 1980, and June 16, 1982)								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
40	Real estate, insurance or other agency office . . . . .	F	F	F	A	A	A	A	C
‡41	Office building, post office, bank (other than drive-in bank) or similar establishment . . . . .	F	F	F	A	A	A	A	C
	(‡As amended on November 30, 1973)								
‡42	Office or display or sales space of a wholesale, jobbing or distributing house . . . . .	F	F	F	F	A*	A	A	A
	<p>*Provided that not more than twenty-five percent of gross floor area devoted to this use is used for assembling, packaging and storing merchandise unless after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for a greater percentage to be so used.</p> <p>(‡As amended on April 14, 1967)</p>								
	SERVICE ESTABLISHMENTS								
‡43	Barber shop; beauty shop; shoe repair shop; self-service laundry; pick-up								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	and delivery station of laundry or dry-cleaner; or similar use . . . . .	F	F	F	A#	A	A	A	C
	#Except C if the hours during which such establishment is open to the public begin before 6 A.M. or extend beyond 12 midnight.								
	(‡As amended on April 14, 1967, and June 7, 1978)								
44	Tailor shop; hand laundry; dry- cleaning shop . . . . .	F	F	F	A*	A*	A	A	C
	*Provided that only nonflammable solvents are used for cleaning; and in L districts, provided also that not more than five persons at a time work in the establishment.								
‡45	Laundry plant; dry-cleaning plant; rug cleaning plant . . . . .	F	F	F	F	F	A	A	C
	(‡As amended on April 14, 1967)								
‡46	Caterer's establishment; photographer's studio; printing plant; taxidermist's								



NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	shop; upholsterer's shop; carpenter's shop; electrician's shop; plumber's shop; radio and television repair shop .....	F	F	F	A*	A	A	A	C
	*Provided that not more than five persons at a time work in such establishment, studio, plant or shop.								
	(‡As amended on April 14, 1967)								
47	Funeral home; undertaker's establishment; mortuary .....	F	F	F	C	A	A	A	C
48	Research laboratory; radio or television studio .....	F	F	F	A	A	A	A	C
49	Animal hospital or clinic; kennel; pound .....	F	F	F	F	A	A	A	C

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
OPEN AIR AND DRIVE-IN USES									
‡50	Drive-in bank; drive-in restaurant; drive-in cafeteria; or other place for the service or sale of on-premises prepared food or drink for on-premises or off-premises consumption, providing off-street parking facilities for its customers while doing business on the premises; outdoor sale or display for sale of garden supplies, agricultural produce, flowers and the like . . . . .	F	F	F	C	C	A	A	C
	(‡As amended on August 12, 1971, and November 30, 1973)								
‡51	Outdoor sale or display for sale of new or used motor vehicles . . . . .	F	F	F	F	C	A	A	C
	(‡As amended December 9, 1975)								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
‡52	Drive-in theatre; stadium, or other outdoor place of assembly, operated for profit; golf driving range; other outdoor place of recreation operated for profit, provided that such establishment is customarily open to the public at large and does not exclude any minor by reason of age as a prevailing practice . . . . .	F	F	F	F	C	A	A	C
	(‡As amended on November 27, 1974.)								
‡53	Mobile home park . . . . .	F	F	F	F	C*	A*	A*	C*
	*Except F in a flood hazard district.								
	(‡As amended on March 26, 1982)								
	WHOLESALE BUSINESS AND STORAGE								
54	Wholesale business, including accessory storage (other than of flammable liquids, gases and explosives) in roofed structures . . . . .	F	F	F	F	C	A	A	A
55	Outdoor storage of: new building materials, contractor's equipment, machinery, metals (other than scrap and junk), and the like . . . . .	F	F	F	F	F	A*	A	A

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	*Provided that any material or equipment stored to a height greater than four feet above grade level is surrounded by a wall or tight fence not less than seven feet high.								
56	Warehouse; storage, outdoors or in silos or hoppers, of coal, coke or other solid fuel or of crushed stone, sand or similar material; storage of fifteen thousand gallons or less of flammable liquids or of ten thousand cubic feet or less of gases . . . . .	F	F	F	F	F	A*	A*	A*
	*Provided that all dust and dirt incident to storage or handling is effectively confined to the lot; and in M districts, provided also that any material stored to a height greater than four feet above grade								

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
	level is surrounded by a wall or tight fence not less than seven feet high.									
57	Outdoor storage of second-hand lumber or other used building material, junk, scrap, paper, rags, unrepaired or uncleaned containers, or other articles; storage of more than fifteen thousand gallons of flammable liquids and of more than ten thousand cubic feet of gases; wrecking and dismantling of motor vehicles . . . . .	F	F	F	F	F	F	C*	C*	
	*Provided the use is screened by a wall or tight fence not less than seven feet high.									
±57A	Outdoor storage of damaged or disabled motor vehicles . . . . .	F	F	F	F	F		C*	A* C*	
	*Provided there is no dismantling of motor vehicles or sale of used parts on the lot.									
	(±As inserted on June 16, 1982)									



NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
	VEHICULAR STORAGE AND SERVICE									
‡58	Parking lot . . . . .	C*	C*	C†	C	#	A+	A+	C	
	<p>*Provided that the parking lot abuts or is across the street from an L, B, M, I or W district and is operated by an establishment in such district exclusively for the parking of motor vehicles (other than trucks) of, and without charge to, its employees, customers and guests; and provided further, in either case, that no vehicle is parked in the front yard required by this code or within a distance equal to the side of the yard so required from any side or rear lot line adjoining a lot in an S, R or H district, that all lighting is so arranged as to shine downward and away from streets and adjoining lots, and that the parking lot is adequately screened from all streets and adjoining lots.</p> <p>†Except F in H-2-65 and H-3-65; also F unless the parking lot either is operated exclusively for the parking of</p>									

NO.	USE ITEM	District					
		S	R	H	L	B	M I W
	<p>motor vehicles (other than trucks) of persons living in the neighborhood, or abuts or is across the street from a L, B, M, I or W district and is operated by an establishment in such district exclusively for the parking of motor vehicles (other than trucks) of, and without charge to, its employees, customers and guests; and provided further, in either case, that no vehicle is parked in the front yard required by this code or within a distance equal to the side yard so required from any side or rear lot line adjoining a lot in a S, R or H district, that all lighting is so arranged as to shine downward and away from streets and adjoining lots and that the parking lot is adequately screened from all streets and adjoining lots.</p> <p>#A+ in B-1 and B-2; C in other B districts.</p> <p>+ Except C in a restricted parking district.</p> <p>(‡As amended on May 30, 1969, February 17, 1971, September 27, 1973, October 19, 1978, and October 31, 1980)</p>						

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
‡59	Parking garage .....	F	F	C*	C	A†	A†	A†	C
	<p>*Provided that the parking garage is operated exclusively for the parking of motor vehicles (other than trucks) of persons living in the neighborhood except that gasoline and oil may be sold if sales thereof are limited to tenants of the garage and are completely consummated entirely within the garage.</p> <p>†Except C in a restricted parking district.</p> <p>(‡As amended on Sept. 27, 1973)</p>								
‡60	Repair garage; gasoline service station; car wash .....	F	F	F	C*	C*	A	A	C
	<p>*Provided that all washing, painting, lubricating, and making of repairs is carried on inside a building and that any auto body shop, car wash, repair shop and paint shop is sufficiently</p>								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	sound-insulated to confine all noise to the lot and that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and further provided that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month.								
	(‡As amended on April 14, 1967, and June 16, 1982)								
‡60A	Sale and installation within a building of batteries, seat covers, tires and similar automotive parts and accessories . . . . .	F	F	F	C	A	A	A	C
	(‡As inserted on April 14, 1967)								
‡61	Rental agency, storing, servicing, and/or washing rental motor vehicles and trailers . . . . .	F	F	F	F	C*	C*	A*	C*
	*Provided that no rental vehicles or trailers are parked on the street and that exterior lighting shall be arranged to shine downward and away from residences.								
	(‡As amended December 9, 1975)								
	TRANSPORTATION USES								
62	Bus terminal; bus station . . . . .	F	F	F	A	A	A	A	C

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
63	Railroad passenger station . . . . .	F	F	F	A	A	A	A	C	
64	Motor freight terminal; yard for storing or servicing trucks or buses; rail freight terminal; storage yard accessory to railroad operation . . . . .	F	F	F	F	F	C*	A*	C*	

\*Provided that the terminal or yard is at least one hundred and fifty feet from every S, R and H district; and provided further, that the roadway of every street upon which a truck entrance or exit thereof abuts is at least forty feet wide and that every loading platform facing such an entrance or exit is at least eighty feet from the centerline of the street and at least fifty feet from the nearest sideline of the street.



NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
‡65	Water freight or passenger terminal facility, including docks, piers, wharves, storage sheds for waterborne commodities, and rail and truck facilities accessory to a waterborne freight terminal . . . . .	F	F	F	F	F	C*	A*	A*	
	<p>*Provided that the facility is at least one hundred and fifty feet from every S, R and H district; and provided further, that the roadway of every street upon which a truck entrance or exit thereof abuts is at least forty feet wide and that every loading platform facing such an entrance or exit is at least eighty feet from the centerline of the street and at least fifty feet from the nearest sideline of the street.</p> <p>(‡As amended on April 14, 1967)</p>									

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
66	Helicopter landing facility . . . . .	F	F	F	F	C	C	C	C	
67	Airport or other aircraft landing or servicing facility . . . . .	F	F	F	F	F	F	C	C	
INDUSTRIAL USES										
68	Any of the following uses: #F in B-1, B-2, B-4; C in B-8, B-10.  *A if waterfront access required for receipt or dispatch of goods or for any other reason; otherwise C.  Any industrial use, other than a use described in Use Item No. 70, which does not result in noise or vibration perceptible without instruments more than fifty feet outside the perimeter of the lot.	F	F	F	F	#	A	A	*	

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
	Bottling works for beverages.									
	Cotton ginning.									
	Manufacture or repair of									
	Advertising displays (including billboards).									
	Apparel or other products (including hat bodies and like) from textiles or similar materials.									
	Beverages containing less than 0.5% of alcohol by volume at 60° F.									
	Boats less than one hundred feet long.									
	Brooms or brushes.									
	Cameras or other photographic equipment, except flammable film.									
	Carpets.									
	Canvas or canvas products.									
	Ceramic products, including pottery.									

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	small glazed tile and the like.								
	Cosmetics or toiletries.								
	Cotton wadding or lintens.								
	Electric lamp bulbs.								
	Electric lighting fixtures, electric irons, electric fans, electric toasters, electric toys or similar electric appliances.								
	Electric wiring supplies, dry cell batteries and the like.								
	Electronic components and supplies.								
	Food products except the curing, smoking or drying of meat or fish.								
	Fur goods (exclusive of curing, dyeing and tanning).								
	Gases in amounts not exceeding two thousand cubic feet a day.								
	Glass products from previously manufactured glass.								

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
	Hair, felt or feather products (exclusive of curing, dyeing and washing.)									
	Hosiery									
	Ice (dry or natural)									
	Ink or inked ribbon.									
	Leather products, including shoes, machine belting and the like.									
	Luggage.									
	Mattresses (including rebuilding and renovating).									
	Metal furniture, cabinets, doors, fencing and the like.									
	Metal products made by stamp- ing or extrusion, including cos- tume jewelry, pins and needles, razor blades, bottle caps, but- tons, kitchen utensils and the like.									
	Musical instruments, including pianos and organs.									



NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	Novelty products.								
	Optical equipment, clocks, or similar precision instruments.								
	Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers and similar appliances.								
	Paper products, including envelopes, stationery, bags, boxes, shipping containers, wallpaper printing and similar products.								
	Pharmaceutical products.								
	Plastic products, including tableware, phonograph records, buttons, and the like.								
	Rubber products (exclusive of rubber and synthetic processing), including washers, gloves, footwear, bathing caps, atomizers and the like.								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	Shoddy.								
	Silverware (plate or sterling).								
	Sporting goods or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods and the like.								
	Statuary, mannequins, figurines, or religious or church art goods, exclusive of foundry operations.								
	Textiles, knit goods, yard goods, thread or cordage, including spinning, weaving, dyeing and printing.								
	Tobacco products, including curing tobacco.								
	Tools or hardware, including hand tools, drills, cutlery, bolts, nuts, screws, doorknobs, hinges, house hardware, locks, nonferrous metal castings, plumbing appliances, and the like.								

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
	Toys.									
	Umbrellas.									
	Vehicles for children, including baby carriages, scooters, wagons, bicycles, and the like.									
	Venetian blinds, window shades, and awnings.									
	Wax products.									
	Wood products, including furniture, boxes, crates, barrels, baskets, pencils, and the like.									
	Packaging chemicals, detergents or soap.									
	Poultry or rabbit slaughtering or packing.									
	Printing or newspaper publishing, including engraving or photo- engraving.									
	Scenery construction.									
	Stone cutting or lettering.									

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	Storage of gases in amounts not exceeding ten thousand cubic feet.								
	Upholstering.								
	(‡As amended on April 14, 1967, and July 9, 1973.)								
‡69	Any industrial use other than a use described in Use Item No. 70 .....	F	F	F	F	F	F	A	*
	*A if waterfront access required for receipt or dispatch of goods or for any other reason; otherwise C.								
	(‡As amended on July 9, 1973)								
‡70	Any of the following uses: .....	F	F	F	F	F	F	C	C
	Any use which is objectionable or offensive because of special danger or hazard, or because of cinders, dust, smoke, refuse matter, flashing, fumes, gases,								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	vapor or odor not effectively confined to the lot, or because of noise or vibration perceptible without instruments more than two hundred and fifty feet outside the perimeter of the lot or, if a residential district is within two hundred and fifty feet of the lot, at any point inside such residential district.								
	Batching or casting of concrete including handling and/or storage of cement, lime, sand, stone or other aggregates.								
	Distillation of wood or bones.								
	Curing, dyeing, washing or bulk processing feathers, felt or hair.								
	Curing, dyeing, finishing or tanning fur or leather								
	Curing, drying or smoking of fish or meat								
	Disposal, handling or storage of radioactive waste.								



NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	Incineration or reduction of garbage, offal or dead animals.								
	Manufacture of								
	Asphalt or asphalt products.								
	Charcoal, fuel briquettes, or lampblack.								
	Chemicals including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, disinfectants, exterminating agents, fungicides, hydrogen or oxygen, industrial alcohol, insecticides, potash, plastic materials or synthetic rosins, or hydrochloric, picric or sulphuric acids or derivatives.								
	Coal, coke, or tar products, including gas..								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	Fertilizers.								
	Gases in amounts exceeding two thousand cubic feet a day.								
	Gelatin, glue or size.								
	Gypsum.								
	Linoleum or oil cloth.								
	Matches.								
	Paint, turpentine or varnish.								
	Plastic (raw).								
	Rubber (natural or synthetic) including tires, tubes, or similar products.								
	Soaps or detergents, including fat rendering.								
	Reduction, refining or smelting metal or metal ores.								
	Refining petroleum or petroleum products.								
	Removal of gravel, loam, sand or stone except for re-use on the								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	<p>same lot or incident to the erection of a building on such lot.</p> <p>Sewage disposal plant.</p> <p>Solvent extracting.</p> <p>Storage of gases in amounts exceeding ten thousand cubic feet.</p> <p>Wool scouring or pulling.</p> <p>(As amended on April 14, 1967, and July 17, 1981)</p>								
	ANCILLARY USES								
71	Any use on a lot adjacent to, or across the street from, but in the same district as, a lawful use to which it is ancillary and ordinarily incident and for which it would be a lawful accessory use if it were on the same lot; any such use on such a lot in another district unless such use is a								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	use specifically forbidden in such other district . . . . .	C*	C*	C*	C*	C*	C*	C*	C*
	*Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.								
	ACCESSORY USES								
‡72 ID	As an accessory use subject to the limitations and restrictions of Article 10, a garage or parking space for occupants, employees, customers, students and visitors; provided that, in the case of a lot lying in two or more districts, such parking is accessory to a use that is lawful in the district in which such parking is located . . . . .	A†*	A†*	A†*	A†	A†	A†	A†	A†
	†Except C in a restricted parking district if accessory to any use other than Use Items numbered 1 through 15.								
	*Provided that where a garage or parking space is accessory to a dwelling use in an S, R,								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	or H district, there is space for no more than three vehicles for each dwelling unit, none of which shall be a commercial vehicle with a maximum load capacity of more than 1-1/2 tons, and not more than one of which shall be a commercial vehicle with a maximum load capacity of 1-1/2 tons or less.								
	(‡As amended on April 14, 1967, September 27, 1973, September 2, 1976, April 11, 1979, and June 18, 1981)								
‡72A	As an accessory use subject to the limitations and restrictions of Article 10, a swimming pool or tennis court not within a required front yard .....	A*	A*	A*	A*	A*	A*	A*	A*
	*Provided that it is more than four feet from every lot line, and in the case of a swimming pool, that if it is within ten feet of a lot line, it								



NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	is screened therefrom to a height of at least six feet by a concealing fence.								
	(‡As inserted on April 14, 1967)								
73	As an accessory use subject to the limitations and restrictions of Article 10, an office, within a main building, of an accountant, architect, attorney, dentist, physician or other professional person who resides in such building . . . . .	C*	A*	A*	A	A	A	A	C
	*Provided that non-resident assistants do not exceed: one in a S district, two in a R district, and three in an H district.								
74	As an accessory use subject to the limitations and restrictions of Article								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	10, an occupation for profit customarily carried on in a dwelling unit by a person residing therein .....	C*	A*	A*	A	A	A	A	C
	*Provided that such occupation is carried on in a main building and requires only equipment ordinarily incident to a dwelling unit, that no non-resident help is employed and that there is no trading in merchandise.								
75	As an accessory use subject to the limitations and restrictions of Article 10, the keeping of horses, cows, goats or similar animals other than pigs .....	C*	C*	C*	C*	C*	C*	C*	C*
	*Provided that every stable and enclosure is at least one hundred feet								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	from every residential building on another lot; and provided further that every stable and enclosure sheltering more than four such animals is at least one hundred feet from every lot on which there is a church, school playground, library, or public or eleemosynary institution unless that distance is intersected by a street at least sixty feet wide; and provided also in a S, R or H district, that no more than twenty-five animals at a time are kept on the lot and that every stable and enclosure is more than one hundred feet from the nearest street. A condition of this use shall be that if on another lot a residential building is erected within one hundred feet of a stable or enclosure the use of such								

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
	stable or enclosure shall cease, and such stable or enclosure shall be removed.									
76	As an accessory use subject to the limitations and restrictions of Article 10, the keeping of poultry, pigeons, rabbits or bees . . . . .	C*	C*	C*	C*	C*	C*	C*	C*	
	<p>*Provided that every enclosure therefor is at least fifty feet from every residential building on another lot; and provided further in a S, R or H district, that not more than twenty-five birds and rabbits in the aggregate or more than three colonies of bees are kept on the lot at one time, and that every enclosure is more than fifty feet from the nearest street.</p> <p>A condition of this use shall be that</p>									

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	if on another lot a residential building is erected within fifty feet of an enclosure, the use of such enclosure shall cease, and such enclosure shall be removed.								
‡77	As an accessory use subject to the limitations and restrictions of Article 10, the keeping of laboratory animals incidental to an educational or institutional use, provided that all resulting noise, dust, fumes, gases, odors and refuse matter are effectively confined to the lot or so disposed of as not to be a nuisance or hazard to health or safety . . . . .	F	C	C*	C*	C*	C	C	C
	*Except A if accessory to Use Item No. 22 and if at least one of the provisos in the footnote of Use Item No. 22 is met.								
	(‡As amended on October 19, 1978, October 31, 1980, and January 8, 1982)								
78	As an accessory use subject to the limitations and restrictions of Article 10, in buildings with more than fifty								



NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
	dwelling units, and in hotels with more than fifty sleeping rooms, newsstand, barber shop, dining room and similar services primarily for the occupants thereof, when conducted wholly within the building and entered solely from within the building . . . . .	F	F	A	A	A	C	C	C	
‡79	As an accessory use subject to the limitations and restrictions of Article 10, in hospitals with more than fifty beds, and in educational institutions with more than four hundred full time students, incidental uses and services ordinarily found in connection therewith and primarily for the patients and staff or students and faculty, when conducted wholly within a building and entered solely									

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	from within the building where there is but one building on the lot or from an entrance not directly facing a street or lot line where there is more than one building on a lot . . . . .	C	C	C*	C*	C*	F	F	F
	*Except A if accessory to Use Item No. 22 and if at least one of the provisos in the footnote of Use Item No. 22 is met.								
	(‡As amended on October 19, 1978, October 31, 1980, and January 8, 1982)								
80	As an accessory use subject to the limitations and restrictions of Article 10, the storage of flammable liquids and gases incidental to a lawful use . . . . .	A	A	A	A	A	A	A	A
81	As an accessory use subject to the limitations and restrictions of Articles 10, the manufacture, assembly or packaging of products sold on the lot . . . . .	F	F	F	A*	A	A	A	C
	*Provided that no products are processed for sale elsewhere than on the lot and that at any one time								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	no more than five persons are employed in such manufacture, assembly and packaging.								
82	As an accessory use subject to the limitations and restrictions of Article 10, a repair garage incident to auto sales .....	F	F	F	F	A*	A*	A*	C*
	*Providing that all washing, lubricating and making of repairs is carried on inside a building, and that all noise, flashing, dust, fumes, gases, smoke and vapor are effectively confined to the lot.								
83	As an accessory use subject to the limitations and restrictions of Article 10, permanent dwellings for personnel required to reside on a lot								

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
	for the safe and proper operation of a lawful main use of such lot . . . . .	A	A	A	A	A	C	C	C	
84	As an accessory use subject to the limitations and restrictions of Article 10, any non-residential use lawful in an I district . . . . .	F	F	F	F	F	C*		C*	
	*Provided that such use is so carried on as not to be either a hazard to the health or safety of persons on any adjacent lot or a nuisance.									
85	As an accessory use subject to the limitations and restrictions of Article 10, any use ancillary to, and ordinarily incident to, a lawful main use . . . . .	A*	A*	A*	A*	A*	A*	A*	A*	
	*Provided that such use is not a use specifically forbidden in such district; and provided further that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.									

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
‡86	As an accessory use subject to the limitations and restrictions of Article 10, the maintenance and operation of not more than four amusement game machines:									
	a. in a private club, dormitory, fraternity or sorority house, or similar noncommercial use . . . . .	F	A	A*	A*	A*	A	A	C	
	*Except C in H-2-65, H-3-65, L-2-65, B-3-65 and B-10-155.									
	b. in a bar, tavern, or other commercial establishment where alcoholic beverages are sold and consumed . .	F	F	F	A*	A*	A	A	C	
	*Except C in L-2-65, B-3-65, and B-10-155.									
	c. in a store, self-service laundry, restaurant, or other commercial establishment (other than a commercial establishment where alcoholic beverages are sold and consumed) . . . . .	F	F	F	C	A*	A*	A	C	
	*Except C in B-3-65, B-8-120, B-10-155, and M-8.									
	(‡As inserted on June 2, 1983)									

‡SECTION 8-8. **Use Regulations of Urban Renewal Subdistricts.**

The use regulations of Section 8-7 shall apply to each of the Urban Renewal Subdistricts, with the following additions:

- (a) As an accessory use to housing developments, and subject to limitations and restrictions of Article 10, Section 10-1, business uses such as a food store, drug store, physician or dentist office, barber shop or restaurant shall be permitted within the H-1U through H-5U districts, when such uses are intended primarily for the convenience of residents of such housing.

(‡As inserted on September 7, 1967)



## ARTICLE 9

## NONCONFORMING USES

‡SECTION 9-1. **Extension of Nonconforming Uses and Reconstruction and Extension of Nonconforming Buildings.** Whenever land is being lawfully used for a use not conforming to this code, other than stone quarrying, such use may be extended on the same lot or on an adjoining lot; provided that after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for such extension; and provided further that the use as extended shall not exceed by more than twenty-five percent either in volume or in area the nonconforming use existing on the effective date of this code or, in the case of a use made nonconforming by an amendment of this code, on the effective date of such amendment.

Whenever a building or structure is being lawfully used for a use not conforming to this code, such building or structure may be reconstructed, structurally changed or extended; provided that after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for such reconstruction, structural change or extension; provided also that the building or structure as reconstructed, structurally changed or extended shall not exceed by more than twenty-five percent either in volume or in area the building or structure existing on the effective date of this code or, in the case of a building or structure made nonconforming by an amendment of this code, on the effective date of such amendment; and provided further that the aggregate amount expended for reconstructing, structurally changing or extending a nonconforming building or structure after the effective date of this code, or, in the case of a building or structure made nonconforming by an amendment to this code, after the effective date of such amendment, shall not exceed fifty percent of the physical value of the building or structure on the effective date of this code or such amendment as determined by the Board of Appeal from its reproduction cost less physical deterioration said

limit on the amount expended for reconstructing, structurally changing or extending a nonconforming building or structure shall not apply to any alteration of a structure, or of a structure in a district, which is listed in the National Register of Historic Places or which has been designated by the Boston Landmarks Commission in accordance with Chapter 772 of the Acts of 1973.

(‡As amended on March 26, 1982)

‡SECTION 9-1A. **Hours of Operation of Nonconforming Use.** In any district where residential uses are allowed, an extension of the hours of operation of a nonconforming business or industrial use into the period between 12 midnight and 6 A.M. shall be deemed to constitute an extension of a nonconforming use and is subject to the provisions of Section 9-1. For purposes of this section, "business" shall include uses listed under Use Item Nos. 34 through 36A, 39 through 52, 54 through 57, 60 and 60A; "industrial" shall include uses listed under Use Item Nos. 68 through 70.

(‡As inserted on June 7, 1978)

SECTION 9-2. **Change in Nonconforming Use.** If on the effective date of this code or of any amendment thereof a structure or land is being lawfully used for a use not conforming to this code or such amendment, such structure or land may be used for another nonconforming use; provided that after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for such substitute

nonconforming use; and provided further that upon the use of such structure or land for such substitute nonconforming use, the right to use such structure or land for the former nonconforming use shall terminate.

**SECTION 9-3. Effect of Non-Use of Nonconforming**

**Use.** If on the effective date of this code, a structure or land is being lawfully used for a use not conforming to this code, in order not to unduly prolong the life of such nonconforming use, the subsequent non-use of such structure or land for such nonconforming use for a period of twenty-four consecutive calendar months shall terminate the right to use such structure or land for such nonconforming use. So also, if on the effective date of any amendment to this code a structure or land is being lawfully used for a use not conforming to such amendment, in order not to unduly prolong the life of such nonconforming use, the subsequent non-use of such structure or land for such nonconforming use for a period of twenty-four consecutive calendar months shall terminate the right to use such structure or land for such nonconforming use. For the purpose of this section, whenever a structure or land is not being actively used for a nonconforming use, there shall be deemed to be a non-use for such nonconforming use.

## ARTICLE 10

### ACCESSORY USES

**SECTION 10-1. Limitation of Area.** The accessory uses on a lot, exclusive of off-street parking, shall not occupy in the aggregate, more than twenty-five percent of the floor area of the main buildings; nor shall the accessory uses on a lot, exclusive of off-street parking required by this code, occupy, in the aggregate, more than twenty-five percent of the rear yard required by this code or of the unbuilt lot area; nor in any residential district shall any accessory use occupy any part of the front or side yards required by this code, except that such a side yard may be used for off-street parking located more than five feet from the side lot line; and in no other district shall any accessory use other than off-street parking occupy any part of the front or side yards required by this code.

**SECTION 10-2. Restriction in Residential Districts.** In a residential district, there shall not be any use accessory to a main dwelling which involves:

- (a) The employment of any person (other than domestic servants) not resident in a dwelling unit on the lot, except for uses under Use Item Nos. 72, 73, and 78 of Table A of Section 8-7; or
- (b) The maintenance of a stock in trade except for uses under Use Item No. 78 of said Table A; or
- (c) The use of any show window, display or advertising open to view from outside the lot for the purpose of attracting customers or clients, other than professional announcement signs; or
- (d) The conduct of a business office open to the public.

In no S or R district shall any boarding house or lodging house be conducted as an accessory use.

SECTION 10-3. **Temporary Accessory Uses.** If upon application for a permit under this section the Building Commissioner is of the opinion that a use not conforming to this code is incidental to, and reasonably required for, the development of



a lawful use, he may grant for an initial period of not more than two years, and may extend from time to time but not for more than one year at a time, a permit for such nonconforming use; provided that he has on file (1) an instrument wherein the applicant for such permit covenants with the city to terminate such use at the expiration of such permit and to remove within three months after such expiration all nonconforming structures erected under such permit, and (2) to secure the faithful performances of such covenant, either a bond of an insurance company authorized to do business in Massachusetts or bonds, notes or certificates of indebtedness of the City, the Commonwealth of Massachusetts or the United States, the former in a penal sum, and the latter in the amount, not less than whichever of the following is the greater: (a) twice the amount which the Building Commissioner estimates it will cost the City to remove such nonconforming structures or (b) one thousand dollars; and provided, further, no such permit shall be extended or renewed to permit such nonconforming use more than seven years after the inception thereof.

## ‡ARTICLE 11

### SIGNS

(‡As inserted on December 18, 1972)

**SECTION 11-1. Signs in Residential Districts.** In any residential district there shall not be any sign except as follows:

- (a) One sign, not exceeding two square feet in total area, attached to the building or on a rod or post not more than four feet high and at least three feet in from the street line, and stating only the street number or name of the occupant or occupants of the lot, or both, except that in an H district such sign may also identify the business of a professional person, as defined by Use Item No. 39 of Section 8-7.
  - (b) One bulletin or announcement board, name sign or entrance marker for each church or institution not exceeding twenty square feet in area, except that if the street frontage of such church or institution exceeds one hundred feet, one such sign for each hundred feet computed to the nearest hundred but in no event more than three such signs for each church or institution.
  - (c) One "For Sale" or "For Rent" sign, not exceeding eight square feet in area, advertising the property on which such sign is located.
  - (d) One building contractor's or developer's sign, not exceeding thirty-two square feet in total area, on a lot where a building is actually under construction.
  - (e) One sign not exceeding twenty square feet per entrance to a tract of land divided into building lots.
  - ‡(f) One sign, accessory to a nonconforming use, which conforms with Section 11-2, provided, however, that the area of said sign does not exceed one-half of the area allowed in non-residential districts under said section.
- (‡As inserted on April 11, 1973)

‡(g) Official public notices and notices posted by public officers in performance of their duties.

‡(h) Government signs for the control of traffic and other regulatory purposes, street signs, danger signs; railroad crossing signs, signs indicating transit stops or entrances to transit or railroad stations; and signs of public service companies indicating danger or aids to service and safety.

‡(i) Temporary display posters, without independent structural support, in connection with political campaigns and with noncommercial civic, health, safety and welfare campaigns, provided such posters are removed within 30 days following the conclusion of such campaign; temporary displays of a patriotic, religious, charitable or civic nature.

‡(j) Legal display of flags, emblems and insignia of any nation or political subdivision.

‡(k) Historical or scenic markers approved by a recognized historical or conservation agency.

(‡As inserted on February 20, 1975)

**SECTION 11-2. On-Premise Signs in all Other Districts.** In all other districts, there shall not be any on-premise sign except as follows:

(a) Signs allowed in residential districts.

‡(b) A wall sign attached parallel to a building which projects no more than fifteen inches from the building surface, provided that the top of such sign is no higher than whichever of the following is lowest: (i) twenty-five feet above grade; (ii) the top of the sills of the first level of windows above the first story; or (iii) the lowest point of the roof surface, except in the case of a one-story building with a continuous horizontal parapet, the top of said parapet.

(‡As amended July 9, 1973 and November 30, 1973)

‡(c) A permanent non-illuminated sign on the inside of the glass of a window, provided that the total area of the sign does not exceed thirty percent of the total glass area of windows appurtenant to the use to which the sign is accessory, and provided that signs on ground floor windows be included in calculating the total area of signs on a sign frontage.

(‡As amended on April 11, 1973)

‡(d) A sign attached at right angles to a building, provided that such sign has no more than two faces and (i) there is no more than one such sign for each entrance door to a business establishment; (ii) it projects no more than six feet, plus a reasonable allowance for field fastening, from the building; (iii) the sign advertises a use which occupies at least 18 feet of sign frontage; (iv) the bottom of the sign is at least ten feet from grade and its top is no higher than whichever of the following is lowest: twenty-five feet above grade; the top of the sills of the first level of

windows above the first story; or the lowest point of the roof surface, except in the case of a one-story building with a continuous horizontal parapet, the top of said parapet; (v) the area of the sign shall not exceed twenty-four square feet on either side, excepting that an additional ten square feet on each face is allowed for a sign which incorporates a public service message device such as a time and temperature sign; (vi) there are no exposed guy wires or turnbuckles.

(‡As amended on April 11, 1973, July 9, 1973, November 30, 1973 and June 7, 1974.)

‡(e) One free standing sign, except in a B-2, B-3-65, B-4, B-8, B-8-120, B-10 or B-10-155 district, provided that such sign has no more than two faces and (i) if there is one use, as defined by Article 8, on the lot, the area of each face does not exceed sixty-five square feet and the top of such sign is no higher than twenty-five feet above grade; or (ii) if there are two or more such uses on the lot, the area of each face does not exceed one hundred twenty-five square feet and the top of such sign does not exceed thirty feet above grade; excepting, however, that a lot with a street line or lines of two hundred or more feet may have two free standing signs, or a single sign which is two times the area otherwise permitted.

(‡As amended on September 27, 1973, June 7, 1974, and October 31, 1980)

(f) Temporary signs pertaining to special sales or events



lasting more than fifteen days may be affixed to windows provided that their total area does not exceed thirty percent of the window. No permit is required for such temporary sign or signs.

(g) Directional signs necessary for public safety and convenience which do not exceed twelve square feet per face and which bear no advertising. Such signs are not counted in computing total sign area allowed by this section.

(h) A sign painted on or attached to the face of, but not extending above, a canopy or marquee, or a sign attached to the underside of a canopy or marquee.

(i) A sign painted on or attached to an awning.

A sign may bear lettering to indicate the street number, the name and kind of business, service or facility conducted on the premises, the year the business was established, a slogan, hours of operation, time and temperature, and lettering which is part of a trade mark.

The registered trade mark of a specific commodity may occupy no more than twenty-five percent of the area of a sign, except that if the sale of said commodity is the major business conducted on the premises, there shall be no such restriction.

‡Except in an adult entertainment district, signs shall be lighted only by any continuous light, except that a warning sign or a sign illuminated to show time and temperature may have intermittent illumination. Signs shall remain stationary.

(‡As amended on November 27, 1974)

‡No support for a sign shall extend above the cornice line of a building to which it is attached.

(‡As amended on April 11, 1973)

‡The total area<sup>(1)</sup> in square feet of all permanent signs on a sign frontage, except for signs on windows above the first floor, free standing signs, directional signs and public purpose signs listed in items (g) through (k) inclusive of Section 11-1, shall not exceed:

Average Distance of Sign From Center Line of Abutting Street	Sign Frontage <sup>(1)</sup> Multiplied by
0-99	2*
100-399	4
400 and over	5

\*Excepting that a use with less than twenty-five feet of sign frontage may have a maximum of fifty square feet of permanent signs.

<sup>(1)</sup>See section 2-1 (40) and (41D).

(‡As amended on April 11, 1973, July 9, 1973, and February 20, 1975)

The distance of a sign on or under a canopy, marquee or awning from the center line of an abutting street shall be construed to be the same as if such sign were attached to the building to which the said canopy, marquee or awning is attached.

If the first floor of a building is substantially above street grade and the basement is only partially below street grade, separate occupants of each level may each have one-half the square feet of signage to which a use would be entitled if it were a single ground floor use.

If a building fronts on two or more streets, the sign area of each street frontage shall be computed separately.

‡The height and area of signs on a sign frontage may exceed the limits established by this section, provided that a comprehensive sign design, as defined by (41C) of Section 2-1, for said sign

frontage is certified by the Urban Design Department of the Boston Redevelopment Authority to be a complementary and harmonious synthesis of signs and architectural features.

(‡As inserted April 11, 1973 and amended on June 7, 1974.)

‡Section 11-3. **Signs in Licensed Parking Lots.** In the interest of public safety and convenience, there shall not be any sign in a parking lot, Use Item 58 of Section 8-7, in any district, except: (1) one sign per parking lot entrance which shall bear thereon in fifty percent or more of its total sign area a blue rectangle with a white letter "P" in sans serif gothic type face, the letter "P" being not less than fifty percent of the area of that blue rectangle, (2) a sign bearing only that information and at that location required by the Traffic and Parking Department in its *Rules Regulating Open-Air Parking Spaces*, and (3) directional signs.

The area of the sign containing the "P" shall not exceed twenty-four square feet on each face; it may have only two faces and shall not exceed a height of 25 feet above grade; it may be free standing or attached to a building.

(‡As amended on April 11, 1973)

‡SECTION 11-4. **Signs on Parking Garages.** In the interest of public safety and convenience, there shall not be any sign on a parking garage, Use Item 59 of Section 8-7, in any district, except: (1) at each vehicular entrance, one sign attached at right angles to the building which shall bear thereon in fifty percent or more of its total sign area a blue rectangle with a white letter "P" in sans serif gothic type face, the letter "P" being not less than fifty percent of the area of that blue rectangle, (2) at each vehicular entrance, one optional sign directly above, and the exact full width of, that entrance, and not to exceed two feet in height, (3) a sign bearing only that information and at that location as may be required by the Traffic and Parking Department, and (4) directional signs.

The area of the sign containing the "P" shall not exceed twenty-four square feet on each face; it may have only two faces and shall not exceed a height of twenty-five feet above grade.

(‡As amended July 9, 1973)

‡SECTION 11-5. **Alteration, Repair and Replacement of On-Premise Signs.** Except for copy changes on signs with changeable letter panels, no sign shall be reconstructed,



extended, changed structurally or in content or replaced except in accordance with this Article. A sign which does not conform with this Article may be repaired provided that the cost of the repair does not exceed thirty-five percent of the replacement cost of the entire sign, except that an electric time and temperature sign which is an integral part of a nonconforming sign may be repaired or replaced with no restriction on the cost of the repair or replacement.

(‡As amended July 9, 1973).

‡SECTION 11-6. **Signs Subject to Other Regulations.**

Billboards, signboards and other advertising subject to Sections 29 to 33, inclusive, of Chapter 93 of the General Laws as now in force or hereafter amended are allowed in L, B, M, I and W districts; provided that whenever any part of a lot in a L district is directly across a street from any part of a lot in a S, R, or H district, and whenever a lot in a L district abuts a lot in a S, R, or H district, the aggregate area of all signs on the lot in the L district which face toward, and are open to view from, the lot in the S, R or H district shall not exceed whichever of the following allows the greater area:

- (1) 10% of the area of the wall substantially parallel to such lot line, or

(2) one square foot for each foot in the length of such lot line.

(‡As amended April 11,1973)

**SECTION 11-7. Signs in Urban Renewal Project Areas.**

In an urban renewal project area, there shall not be any sign which does not comply with this Article and with the urban renewal plan for such project area.

**SECTION 11-8. Conditional Sign Permits.** The Board of Appeal may grant conditional use permits in accordance with the procedure set out in Article 6 allowing signs other than those permitted by this regulation where the particular use or location justifies such exceptional treatment.

## ARTICLE 12

### TRANSITION ZONING

**SECTION 12-1. Lots in Two Districts.** Where a district boundary line divides a lot in single ownership of record at the time this code becomes effective, the uses allowed and the

other regulations in this code applying to the less restricted portion of the lot shall be considered as extending to so much of the remainder of the lot as is within thirty feet of said district boundary line, and the uses and other regulations so extended shall be deemed to be conforming so long as the land to which they are extended shall remain part of said lot.

**SECTION 12-2. Lots in Residential District Adjacent to Business or Industrial District.** Where a lot in a S or R district abuts the sideline of a lot in a L, B, M, I or W district, the part of such S or R lot within fifty feet of the district boundary may be used as if it were in the next less restricted residential zone, provided that the height, area, and yard restrictions of the district in which it is located are met. If after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4 the Board of Appeal grants permission therefor, the part of any structure within such fifty feet may be used for professional offices, private clinics, insurance, institutional and real estate offices, and other semi-commercial uses, provided in all cases that the height, area, and yard regulations of the district in which such structure is located are met.

**SECTION 12-3. Lots in Business or Industrial Districts Adjacent to Residential District.** Where a lot in a business or industrial district abuts a lot in a residential district, the lot in the L, B, M, I or W district shall have along each line abutting a residential district a yard equal in width or depth to that required in the residential district. Where land on one side of a street between two intersecting streets is zoned partly as residential and partly as business or industrial, the front yard depth in so much of the L, B, M, I or W district as lies within one hundred feet (measured along the street line) from the boundary line dividing the two districts shall be equal to the front yard depth required by this code in the S, R or H district.

## ARTICLE 13

### DIMENSIONAL REQUIREMENTS

**SECTION 13-1. Dimensional Regulations.** Minimum lot size, minimum lot area per dwelling unit, minimum lot width, minimum height of buildings, minimum usable open space per dwelling unit, minimum front yard depth, minimum side yard

width, minimum rear yard depth, minimum setback distance of parapet from any lot line, and maximum per cent of rear yard occupied by accessory buildings for each class of use shall, subject to the provisions of this Article and Articles 14 to 23 inclusive, be as specified in the following table:



†TABLE B: DIMENSIONAL REGULATIONS

## RESIDENCE DISTRICTS

LOCAL  
BUSINESS  
DISTRICTS

DISTRICT	TYPE OF USE	LOT SIZE minimum sq. ft.	LOT AREA minimum sq. ft. for each add'l dwelling unit	LOT WIDTH minimum feet	FLOOR AREA RATIO maximum	HEIGHT OF BUILDINGS maximum stories	USABLE OPEN SPACE minimum sq. ft. per dwelling unit	FRONT YARD minimum depth feet (14)	SIDE YARD minimum width feet	REAR YARD minimum depth feet	SETBACK OF PARAPET minimum distance from lot line	REAR YARD maximum % occup. by accessory buildings
S-.3	1 family detached Other use	9,000 9,000	none 6,000	70 70	0.3 0.3	2½ 2½	none none	25 30	12 15	40 50	none none	25 20
S-.5	1 family detached Other use	6,000 6,000	none 4,000	60 60	0.5 0.5	2½ 2½	none none	25 30	10 12	40 50	none none	25 20
R-.5	1 & 2 fam. detached Any other dwelling Other use	5,000 2 acres 5,000	3,000 3,000(2) 3,000	50 200 50	0.5 0.5 0.5	2½ 2 2½	none 1,000 none	20 25 25	10 10 10	40 40 40	none none none	25 20 20
R-.8	1 & 2 family row Any other dwelling Other use	3,000 5,000 5,000	2,000 1,500 1,500	none 50 50	0.8 0.8 0.8	3 3 3	800 800 none	20 20 25	10 10 10	40 40 40	none none none	25 25 20
H-1-40	1 & 2 family row Any other dwelling Other use	2,000 5,000 5,000	1,500 1,000 1,000	none 50 50	1.0 1.0 1.0	4 4 4	400 400 none	20 20 25	(4) (4) (4)	30(6) 10 + $\frac{L}{20}$ (6)	$\frac{H+L'}{6}$ for all uses	25 25 25
H-1-50	1 & 2 family row Any other dwelling Other use	2,000 5,000 5,000	1,500 1,000 1,000	none 50 50	1.0 1.0 1.0	- - -	400 400 none	20 20 25	(4) (4) (4)	30(6) 10 + $\frac{L}{20}$ (6)	$\frac{H+L'}{6}$ for all uses	25 25 25
H-1	1 & 2 family row Any other dwelling Other use	2,000 5,000 5,000	1,500 1,000 1,000	none 50 50	1.0 1.0 1.0	none none none	400 400 none	20 20 25	(4) (4) (4)	30(6) 10 + $\frac{L}{20}$ (6)	$\frac{H+L'}{6}$ for all uses	25 25 25
H-2-45	Any dwelling Other use	none none	none none	none none	2.0 2.0	- -	150 none	20 20	(4) (4)	10 + $\frac{L}{20}$ (6)	$\frac{H+L'}{6}$ all uses	30 30
H-2-65	Any dwelling Other use	none none	none none	none none	2.0 2.0	7 7	150 none	20 20	(4) (4)	10 + $\frac{L}{20}$ (6)	$\frac{H+L'}{6}$ all uses	30 30
H-2	Any dwelling Other Use	none none	none none	none none	2.0 2.0	none none	150 none	20 20	(4) (4)	10 + $\frac{L}{20}$ (6)	$\frac{H+L'}{6}$ all uses	30 30
H-3-65	Any dwelling Other use	none none	none none	none none	3.0 3.0	- -	50 none	(10) (10)	(4) (4)	25% of lot depth all uses	$\frac{H+L'}{6}$ (9) all uses	40 40
H-3	Any dwelling Other use	none none	none none	none none	3.0 3.0	none none	100 none	15 15	(4) (4)	10 + $\frac{L}{20}$ (6)	$\frac{H+L'}{6}$ all uses	35 35
H-4	Any dwelling Other use	none none	none none	none none	4.0 4.0	none none	50 none	15 15	(4) (4)	10 + $\frac{L}{20}$ (6)	$\frac{H+L'}{6}$ all uses	40 40
H-5	Any dwelling Other use	none none	none none	none none	5.0 5.0	none none	50 none	15 15	(4) (4)	10 + $\frac{L}{20}$ (6)	$\frac{H+L'}{6}$ all uses	40 40

L-.5	Any dwelling Other use	(3) none	(3) none	(3) none	0.5 0.5	2½ 2½	(3) none	(3) 15	(3) none(5)	(3) 20(7)	none none	- -
L-1	Any dwelling Other use	(3) none	(3) none	(3) none	1.0 1.0	3 3	(3) none	(3) 10	(3) none(5)	(3) 20(7)	none none	- -
L-2-65	Any dwelling Other use	(3) none	(3) none	(3) none	2.0 2.0	7 7	(3) none	(3) none	(3) none(5)	(3) 10 + $\frac{L}{20}$ (7)	$\frac{H+L'}{6}$ for all uses	- -
L-2	Any dwelling Other use	(3) none	(3) none	(3) none	2.0 2.0	none none	(3) none	(3) none	(3) none(5)	(3) 10 + $\frac{L}{20}$ (7)	$\frac{H+L'}{6}$ for all uses	- -

## GENERAL BUSINESS DISTRICTS

B-1	Any dwelling Other use	(3) none	(3) none	(3) none	1.0 1.0	3 3	40 40	(3) none	(3) none	(3) none(5)	(3) $10 + \frac{L'}{20}(7)$	$\frac{H + L'}{6}$ for all uses	-
B-2	Any dwelling Other use	(3) none	(3) none	(3) none	2.0 2.0	none none	none none	(3) none	(3) none	(3) none(5)	(3) $10 + \frac{L'}{20}(7)$	$\frac{H + L'}{6}$ for all uses	-
B-3-65	Any dwelling Other use	none none	none none	none none	3.0 3.0	- -	65(9) 65(9)	50 none	(10) (10)	(3) none(5)	(3) $10 + \frac{L'}{20}(7)$	$\frac{H + L'}{6}$ (9) for all uses	-
B-4	Any dwelling Other use	(3) none	(3) none	(3) none	4.0 4.0	none none	none none	(3) none	(3) none	(3) none(5)	(3) $10 + \frac{L'}{20}(7)$	$\frac{H + L'}{6}$ for all uses	-
B-8-120	Any dwelling Other use	none none	none none	none none	8.0 8.0	- -	120 120	50 none	(10) (10)	(3) none(5)	20 $10 + \frac{L'}{20}(7)$	none none	-
B-8	Any dwelling Other use	(3) none	(3) none	(3) none	8.0 8.0	none none	none(13) none(13)	(3) none	(3) none	(3) none(5)	(3) $10 + \frac{L'}{20}(7)$	$\frac{H + L'}{7}$ for all uses	-
B-10-155	Any dwelling Other use	none none	none none	none none	10.0 10.0	- -	155(12) 155	50 none	(10) (10)	(3) none(5)	5 5	(12) none	-
B-10	Any dwelling Other use	(3) none	(3) none	(3) none	10.0 10.0	none none	none(13) none(13)	(3) none	(3) none	(3) none(5)	(3) $10 + \frac{L'}{20}(7)$	$\frac{H + L'}{8}$ for all uses	-

## INDUSTRIAL DISTRICTS

M-1	Any use	none	none	none	1.0	2½	35	none	20	(5)	20	$\frac{H + L'}{6}$	-
M-2	Any use	none	none	none	2.0	none	none	none	none	(5)	12	$\frac{H + L'}{6}$	-
M-4	Any use	none	none	none	4.0	none	none	none	none	(5)	12	$\frac{H + L'}{6}$	-
M-8	Any use	none	none	none	8.0	none	none	none	none	(5)	12	$\frac{H + L'}{7}$	-
I-2	Any use	none	none	none	2.0	none	none	none	none	(5)	12	$\frac{H + L'}{6}$	-
W-2	Any use	none	none	none	2.0	none	none	none	none	(5)	12	$\frac{H + L'}{6}$	-

Key: L = Length of wall parallel (or within 45° of parallel) to lot line, measured parallel to lot line.  
H = Height of building above the height below which no setback is required.

L = Length of wall parallel (or within 45° of parallel) to lot line, measured parallel to lot line at greatest length above the height below which no setback is required.

- (1) See Section 15-4 for cases where the maximum floor area ratio may be exceeded.  
 (2) No additional lot area for first 30 dwelling units.  
 (3) See Section 13-4.  
 (4) Ten feet plus one twentieth of the length of the wall parallel (or within 45° of parallel) to the side lot line. See further Section 19-4.  
 (5) See Section 19-5.  
 (6) See Section 20-4.  
 (7) See Section 20-5.  
 (8) Deleted.  
 (9) See Section 16-7 for regulations for pre-Code structures.  
 (10) 20 feet on east-west streets, none on north-south streets. A bay window, as defined in Section 2-1, may protrude into a front yard, Section 18-1 notwithstanding. See also Sections 18-1 and 18-2.  
 (11) See Section 16-4.  
 (12) See Section 16-5.  
 (13) See Section 16-6 for height limits for buildings within 100 feet of streets that bound Boston Common and the Public Garden.  
 (14) See also Section 18-2.

(#As amended on April 14, 1967, February 17, 1971, March 20, 1972, July 9 and September 27, 1973, October 22, 1974, July 7, 1977, February 28, and April 11, 1979, October 31, 1980, June 18 and August 20, 1981, and June 16, 1982.)

**SECTION 13-2. Lot Area or Yards Required.** In computing the area of a lot or the dimensions of the yards required for any building or use, there shall not be included any land which was used to meet the minimum area or minimum yard space required by law for any other building or use at the time of its erection or inception, and which would be required to meet the requirements of this code for such other building or use. This prohibition shall apply whether or not such land is still in the same ownership as when it was used as aforesaid.

**SECTION 13-3. Nonconformity as to Dimensional Requirements.** A building or use existing on the effective date of this code and not conforming to the applicable dimensional requirements specified in other provisions of this Article and Articles 14 to 23, inclusive, may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

**§SECTION 13-4. Dwellings in Business Districts.** Any dwelling in an L district or B district shall conform to the lot area, usable open space, and yard requirements for the nearest

S, R or H district; provided, however, that any dwelling in a B-8 or B-10 district shall conform to the lot area, usable open space and yard requirements for the least restricted residence district.

(‡As amended on April 14, 1967)

SECTION 13-5. (Inserted on September 7, 1967, and repealed on July 2, 1968)

## ARTICLE 14

### LOT SIZE, AREA AND WIDTH

SECTION 14-1. **Minimum Lot Size.** Where a minimum lot size is specified in Table B of Section 13-1, no main building shall be erected, nor main use established, on any lot for which such size is specified, if such lot is of lesser size, except as provided in Section 14-6. (Illustrated in Appendix 2)

‡SECTION 14-2. **Lot Area per Dwelling Unit, etc.** Where a minimum lot area for each additional dwelling unit is specified in Table B of Section 13-1, the minimum lot area

for the first dwelling unit on the lot shall be the minimum lot size; and the minimum additional lot area for each additional dwelling unit thereon shall be the minimum lot area for each additional dwelling unit specified in said Table B. For residential structures not divided into dwelling units, each two sleeping rooms for single or double occupancy and each four beds in sleeping rooms that contain beds for more than two persons shall be deemed to constitute one dwelling unit; provided that each two hospital beds shall be deemed to constitute one such unit; and further provided that a limited group care residence as defined in clause (22B) of Section 2-1 shall be deemed to constitute one dwelling unit for purposes of this article. For non-residential structures, and for structures where non-residential uses are combined with residential uses, each fifteen hundred square feet of gross floor space devoted to non-residential uses shall be deemed to constitute one dwelling unit.

(‡As amended on August 10, 1979)

‡SECTION 14-3. **Lot Width.** Where a minimum lot width is specified in Table B of Section 13-1, no main building shall be erected on that part of a lot where the lot width is less than that specified in said Table B, except as provided in Section 14-6.

(‡As amended on April 14, 1967)



**SECTION 14-4. Lot Frontage.** Where a minimum lot width is specified in Table B of Section 13-1, each lot for which such minimum lot width is specified shall have a minimum frontage on a street not less than the width so specified, except as follows:

(a) Where such a lot fronts on the outer curve of a curved street, the frontage of such lot on such street may be less than the width so specified, provided that the width of such lot at the minimum front yard depth required by Article 18 is not less than the minimum lot width so specified.

(b) Where a lot is located to the rear of another lot or lots, there shall be an unobstructed access to the rear lot from a street over land that is not part of any other lot. So much of such access as has a width less than the minimum lot width specified for the rear lot in Table B of Section 13-1 shall not be included in meeting the requirements of Sections 14-1 and 14-2 with respect to the area of the rear lot, or the requirements of Articles 17, 18, 19 and 20 with respect to the open spaces and front, side and rear yards of the rear lot.



If there are dwelling units on the rear lot, the minimum width and street frontage of such access shall be:

20 feet where the rear lot has less than 4 such units,  
30 feet where the rear lot has less than 8, but more than 3, such units  
40 feet where the rear lot has less than 13, but more than 7, such units, and  
50 feet where the rear lot has more than 12 such units.

*(Illustrated in Appendix 2)*

**SECTION 14-5. Building on Rear of a Lot.** (a) If in any S, R or H district a main building is on the same lot as, and to the rear of, another main building, there shall be an unobstructed access to such rear building from a street, the width and street frontage of which access shall not be less than five feet.

(b) If there are dwelling units in such rear building, the minimum width and street frontage of such access shall be: 15 feet where such building has less than three such units, 25 feet where such building has more than 2, but less than 8, such units, 40 feet where such building has more than 7, but less than 13, such units, and 50 feet where such building has more than 12 such units. The access required by this paragraph (b) shall not be within any

side yard required by this code for the front building, and shall not be included in meeting the lot area requirements of this code for either building.

(c) Where in a residential district a dwelling designed for occupancy or occupied by one or more families is on the same lot as, and to the rear of, another main building; the distance between such dwelling and such main building shall be not less than twice the minimum rear yard depth required by this code for such main building; and the requirements of this code with respect to lot size, open space, and front, rear and side yards shall apply as if such dwelling were on a separate lot.

**SECTION 14-6. Exceptions.** If the requirements of this code with respect to open space and to front, rear and side yards are met, the provisions of Sections 14-1 and 14-3 shall not prevent the construction, reconstruction or alteration of a single family dwelling on any lot assessed as a separate parcel or in separate ownership of record (by plan or deed) at the time this code takes effect; provided, however, that the foregoing provisions of this section shall not apply to any two or more contiguous lots in a single ownership at or subsequent to said time where a redivision could create one or more lots meeting

the requirements of Sections 14-1 and 14-3 except that, if the Board of Appeal determines that such a redivision cannot reasonably be made without creating or continuing one or more lots not meeting such requirements, said Board may grant permission for the construction of a single family dwelling on a lot not meeting such requirements except that said Board shall not grant such permission for (1) any lot not meeting three fourths of the requirements of Section 14-1 unless more than one half of the lots within the same block have buildings erected thereon and do not meet three fourths of such requirements, or (2) any lot not meeting three fourths of the requirements of Section 14-3 unless more than one half of the lots within the same block have buildings erected thereon and do not meet three fourths of such requirements.

## ARTICLE 15

### BUILDING BULK

**SECTION 15-1. Floor Area Ratio.** Except as otherwise provided in this Article, the ratio which the gross floor area of all structures on a lot exclusive of floor area required to

meet the off-street parking requirements of this code bears to the area of the lot shall not exceed the maximum floor area ratio specified in Table B of Section 13-1. In calculating the area of the lot for the purpose of this section, the following parts of the lot shall be excluded: (a) every part required by any other structure or use to comply with any requirement of this code, and (b) every part the ownership of which is transferred subsequent to the effective date of this code if such part is required for compliance with the provisions of Articles 13 to 22 inclusive, applicable to the lot from which such transfer is made. (Illustrated in Appendix 2)

SECTION 15-2. Repealed on September 27, 1973.

SECTION 15-3. Repealed on July 7, 1977.

‡SECTION 15-4. **Increase in Floor Area Ratio for Large Lots in H-5 Districts.** (a) The maximum floor area ratio specified in Table B of Section 13-1 shall be increased by 1.0 in the case of a lot in an H-5 district containing twelve thousand or more, but less than twenty thousand, square feet. (b) The maximum floor area ratio specified in Table B of Section 13-1 shall be increased by 2.0 in the case of a lot in an H-5 district containing twenty thousand square feet or more.

(‡As amended on July 7, 1977)

SECTION 15-5. Repealed on July 7, 1977.

SECTION 15-6. **Special Floor Area Ratio Provisions for Regulated Projects.** In the case of a lot in a B-8 or a B-10 district constituting part of a project under Chapter 121, or Chapter 121A, of the General Laws for the development or redevelopment of five or more acres of land, the floor area ratio may exceed the maximum floor area ratio specified in Table B of Section 13-1; provided that if so much of the district as constitutes part of such project is taken as one lot, the floor area ratio does not exceed such maximum.



## ARTICLE 16

### HEIGHT OF BUILDINGS

**SECTION 16-1. Maximum Height of Buildings.** Where a maximum height of buildings is specified in Table B of Section 13-1, no building or part of a building in a district, and devoted to a use, specified, shall exceed the number of stories or feet in height so specified except as provided in Sections 16-2 and 16-3.

**SECTION 16-2. Exceptions.** The provisions of Section 16-1 shall not apply to belfries, cupolas, domes, monuments, church spires, water towers, observation towers, radio towers, transmission towers, windmills, chimneys, smokestacks, silos, derricks, conveyors, masts, flag poles, aerials, elevator headhouses, water tanks, monitors, signs or other structures normally built above the roof and not devoted to human occupancy, but such structures shall be erected only to such heights, and cover only such areas, as are necessary to accomplish the purpose they are intended to serve.

**‡SECTION 16-3. Exceptions Adjoining Nonconforming Structures.** Wherever, other than in an H-2-45, H-3-65 or B-3-65 district, a legally existing structure not excepted under Section 16-2 exceeds the height limit specified in Table B of Section 13-1, on a lot in the same district as, and adjoining, the lot on which such legally existing structure is located a structure may be built to a height greater than said height limit, but shall not project above a line drawn between the highest point of said legally existing structure and any point at the height limit whose distance from said highest point is three times the height of said highest point above the height limit.

(‡As amended on October 31, 1980, and June 16, 1982)

(Illustrated in Appendix 2)

‡SECTION 16-4. **Height of Buildings in H-1-40 and H-1-50 Districts.** The Board of Appeal may, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, grant permission for a building to exceed the maximum height specified for H-1-40 and H-1-50 districts by Table B of Section 13-1, provided that said Board of Appeal finds that such height will not have a detrimental effect on the neighborhood, and that the Boston Redevelopment Authority has recommended approval.

(‡As inserted on March 20, 1972 and amended on February 28, 1979.)

‡SECTION 16-5. **Exceptions in a B-10-155 District.** In a B-10-155 district, the height of a building may exceed 155 feet provided that: (1) such height does not exceed 200 feet, (2) that the portion of the building in excess of 155 feet in height is no more than 100 feet from a side street which intersects the street on which the building fronts, (3) that all stories above 155 feet are for residential use, (4) that above 155 feet, the front wall and parapet are set back a minimum of 35 feet from the front lot line, (5) that 0.7 off-street parking space is provided for each dwelling unit, and (6) that access to off-street parking and off-street loading bays is from the rear of the lot.

(‡As inserted on September 27, 1973.)

**SECTION 16-6. Height of Structures within One Hundred Feet of Streets that Bound Boston Common or the Public Garden.**  
Any building or portion thereof within one hundred feet of the nearest street line of any street described below shall not exceed the height specified for such street as follows:

- a. Park Street: 65 feet maximum height.
- b. Tremont Street from Hamilton Place to West Street: 125 feet maximum height.
- c. Tremont Street from West Street to Boylston Street: 155 feet maximum height.
- d. Boylston Street from Tamworth Street to Park Square: 130 feet maximum height.
- e. Boylston Street from Park Square to the westerly sideline of Hadassah Way, to a depth of 75 feet from Boylston Street: 130 feet maximum height; beyond said depth of 75 feet: 155 feet maximum height.
- f. South side of Boylston Street from the westerly sideline of Hadassah Way to a point 100 feet west of Arlington Street, to a depth of 50 feet from Boylston Street: 85 feet maximum height; beyond said depth of 50 feet: 130 feet maximum height.
- g. Arlington Street, from Newbury Street to Commonwealth Avenue: 155 feet maximum height at parapet line; height to top of roof may be 185 feet, provided that the portion of the building above 155 feet is set back a minimum of 20 feet from any parapet line facing a street more than 25 feet wide.

(‡As inserted on July 7, 1977)

‡SECTION 16-7. **Increase in Height of pre-Code Structures in H-3-65 and B-3-65 Districts.** In an H-3-65 or B-3-65 district, the height of a structure existing on December 31, 1964, shall not be increased by more than one story nor more than 10 feet above its pre-Code height, nor shall the total height of such structure exceed the height limit specified in Table B of Section 13-1. Such additional story and all mechanical equipment shall be set back from the tops of the front and rear walls of the story below it by one-half foot for each foot in height above said tops of front and rear walls.

(‡As inserted on October 31, 1980, and amended on June 18 and August 20, 1981)

‡SECTION 16-8. **Restricted Roof Structure District.** In a restricted roof structure district, no roofed structure designed or used for human occupancy, access (except as allowed in paragraph below) or storage shall be erected or enlarged on the roof of an existing residential building, or on the roof of a building not in residential use but originally built as a residential building, if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless, after public notice and hearing and subject to Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission therefor. In reaching its decision, said Board shall consider whether such roof structure has the potential of damaging the uniformity of height or architectural character of the immediate vicinity.

An open roof deck may be erected on the main roof of a building with a flat roof or a roof with a slope of less than five degrees providing that (a) such deck is less than one foot above the highest point of such roof; (b) the total height of the building, including such deck, does not exceed the maximum height specified in Table B of Section 13-1; and (c) access is by roof hatch or bulkhead no more than thirty inches in height above such deck unless, after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a stairway headhouse; and (d) an appurtenant hand rail, balustrade, hatch or bulkhead is set back horizontally one foot for each foot of height of such structure, from a roof edge that faces a street more than twenty feet wide.

(‡As inserted on June 18, 1981, and amended on August 20, 1981)





‡SECTION 16-7. **Increase in Height of pre-Code Structures in H-3-65 and B-3-65 Districts.** In an H-3-65 or B-3-65 district, the height of a structure existing on December 31, 1964, shall not be increased by more than one story nor more than 10 feet above its pre-Code height, nor shall the total height of such structure exceed the height limit specified in Table B of Section 13-1. Such additional story and all mechanical equipment shall be set back from the tops of the front and rear walls of the story below it by one-half foot for each foot in height above said tops of front and rear walls.

(‡As inserted on October 31, 1980)





## ARTICLE 17

## OPEN SPACE REQUIREMENT FOR RESIDENCES

‡SECTION 17-1. **Minimum Usable Open Space.** Where a minimum usable open space per dwelling unit is specified in Table B of Section 13-1, there shall be allotted and maintained for lawful outdoor uses other than off-street parking, on every lot within the district, and devoted to the use, specified, for each dwelling unit intended for family occupancy the minimum usable open space so specified, except that in H-2-65, H-3-65, H-3, H-4 and H-5 districts all or part of this requirement may be met by suitably designed and accessible space on balconies of main buildings or on the roofs of wings of main buildings or on the roofs of accessory buildings. So much of the front, side and rear yards required by this code for the lot as is not devoted to an accessory building or off-street parking or driveway purposes shall be included in computing usable open space for the purposes of this article.

(‡As amended on February 17, 1971, July 9, 1973, and October 31, 1980)

SECTION 17-2. **Exception for Residential Structures Designed for Transient Occupancy.** The provisions of Section 17-1 shall not apply to hotels, motels, hospitals, dormitories or other residential structures intended and designed primarily for transient occupancy.

## ARTICLE 18

## FRONT YARDS

‡SECTION 18-1. **Front Yard Requirements.** Where a minimum depth of front yard is specified in Table B of Section 13-1, so much of every lot within the district specified, and devoted to the use specified, as lies between the street line (or, in the case of a rear lot, the rear line of the lot to the rear of which such rear lot is located) and a line inside the lot parallel to, and such minimum depth (or, in the case of lots to which Section 18-2 applies, the distance described therein) from, the street line (or, in the case of a rear lot, such rear line) is hereby required as a front yard within which no planting other than shade trees shall be maintained more than five feet above the average natural grade in such front yard and within which no structure shall be erected except fences and walls not over five feet in height above said average natural grade in such front yard and except also steps, terraces, open porches without roofs, and the like if not extending more than three feet above the floor of the first story, and except also signs that conform with Article 11. In a required front yard in an L or B district, no plaza, terrace or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor. See also Section 22-22A.

(‡As amended on February 20, 1970, July 9, 1973, by two amendments, Oct. 22, 1974, and Feb. 14 and April 11, 1979)

‡SECTION 18-2. **Conformity with Existing Building Alignment.** If at any time in the same block as a lot required by Section 13-1 or 13-4 to have a front yard there exist two or more buildings fronting on the same side of the same street as such lot, instead of the minimum depth specified in Table B of Section 13-1, the minimum depth of the front yard shall be the modal front yard depth, i.e., the distance between the street line and the face of the building which, as measured by lot widths along said street line, occurs most frequently. The method for making this calculation shall be as follows:

1. For each developed lot on the same side of the same street the distance between the street line and the nearest building is measured. The measurement is rounded off to the nearest half foot if the said buildings are attached and to the nearest foot if the said buildings are detached. The width of each lot is then measured. These measurements may be scaled off from a reliable plan or map.

2. The widths of all lots with the same front yard depth are added up.
3. The front yard depth with the largest total lot width is the minimum front yard depth for the block. If two or more front yard depths have equal lot widths, the one closest to the required front yard shall be the minimum front yard depth.

In a block in which there is a uniform or dominant building line at the upper story level which differs from the modal front yard depth because of ground floor projections, no structure in excess of one story shall be built between the minimum front yard depth and the faces of abutting buildings at the upper story levels.

(As amended on April 14, 1967, February 20, 1970, and October 22, 1974).

(Illustrated in Appendix 2)

**SECTION 18-3. Traffic Visibility Across Corner.** Whenever a front yard is required by Section 18-1 and the lot is a corner lot, no structure or planting interfering with traffic visibility across the corner or higher, in any event, than two and one-half feet above the curb of the abutting street shall be maintained within that part of the required front yard which is within the triangular area formed by the abutting side lines of the intersecting streets and a line joining points on such lines thirty feet distant from their point of intersection.

(Illustrated in Appendix 2)

**SECTION 18-4. Article Applicable Along All Street Lines.** If a lot abuts on more than one street, the provisions of this Article shall apply along every street line except as otherwise provided in Section 19-6.

**SECTION 18-5. Front Wall of Building Not Parallel to Front Lot Line.** If the front wall of a building is not parallel to the front lot line, but the average distance between such wall and such lot line is no less than the minimum front yard depth otherwise required by this Article, and the distance between such wall and such lot line is at no point less than three fourths of the minimum front yard depth so otherwise required, the requirements of this Article shall be deemed to be met.

## ARTICLE 19

### SIDE YARDS

**SECTION 19-1. Side Yard Requirements.** Except as otherwise provided in this Article, where a minimum width of side yard is specified in Table B of Section 13-1, so much of every lot within the district, and devoted to the use, specified as lies between the lot line on one side of such lot and a line inside the lot parallel to, and such minimum width

from, such lot line, and also so much of every such lot as lies between the lot line on the other side of such lot and a line inside the lot parallel to, and such minimum width from, such lot line, are hereby required as side yards within which no planting other than shade trees shall be maintained more than six feet above the average natural grade in such yard and within which no structure shall be erected except: (a) fences and walls not over six feet in height above said average natural grade in such side yard, (b) steps, terraces, open porches without roofs and the like, if not extending more than three feet above the floor of the first story, (c) porches not over half the length of the side wall, ground story bays and open iron fire escapes, if not coming within three feet of any side lot line and not extending more than three and one half feet into the side yard, (d) other fire escapes, bays, balconies, chimneys and flues, if not coming within three feet of any side lot line and not extending into the side yard more than one third of the width of such yard nor more than three and one third feet in any event, (e) belt courses, leaders, sills, pilasters, lintels and ornamental features, if not coming within three feet of any side lot and not extending more than one foot into the side yard, and (f) cornices and gutters,



if not coming within three feet of any side lot line and not extending more than two feet into the side yard.

**SECTION 19-2. Side Yards with Driveways.** Except in S and R districts, no side yard in which there is a driveway providing access to off-street parking, or off-street loading, facilities required by this code shall be less than ten feet in width.

**SECTION 19-3. Accessory Garages and Other Accessory Buildings.** In a S, R or H district, an accessory building may extend into a side yard but not for more than one third of the width of such side yard, except that no part of any such building nearer to the front street line than seventy-five feet or, if that be less, three fourths of the depth of the lot, shall extend into any side yard.

(Illustrated in Appendix 2)

‡**SECTION 19-4. Side Yards in H Districts.** Except as otherwise provided in Section 19-6, no side yard is required in an H district between the front yard required by this code and a line parallel thereto and seventy feet in the rear thereof; nor is any side yard required in an H district along

any part of a side lot line on which a building on the adjoining lot abuts between the rear yard required by this code and said line seventy feet in the rear of the front yard so required. When a side yard is required in an H district, in no event need such yard be wider than twenty feet.

(‡As amended on April 14, 1967)

‡SECTION 19-5. **Side Yards in L, B, M, I and W Districts.**

In L, B, M, I and W districts, no side yard is required except in the case of (a) a lot used for dwelling purposes, which shall have side yards as prescribed by Section 13-4, and (b) a lot with a side lot line abutting a S, R or H district, which shall have side yards as if it were in such abutting district. See also Section 22-2A.

(‡As amended on February 14, 1979)

SECTION 19-6. **Special Provisions for Corner Lots.**

(a) The front yard and front setback requirements of this code, and not the side yard requirements of this Article, shall apply to that part of a side lot line which is also a street line extending more than one hundred feet from the intersection of such line with another street.

‡(b) In any H district with the exception of an H-3-65 district, the width of the side yard along a side lot line of a lot which is also a street line shall be one half the front

yard depth required by this code for the lot; and in all other districts, except B-3-65, B-8-120 and B-10-155 districts or unless no side yard is required, such width shall be one fifth of the width of the lot measured at the front yard line but not less than the side yard width specified for the lot in Table B of Section 13-1, except that such width need not be greater than the front yard depth required by this code for the lot; provided, however, that if in any district a side lot line of a lot is also a street line and the rear lot line of such lot is the side lot line of a lot fronting on such street, the front yard requirements of this code applicable to such adjoining lot shall apply along so much of the side lot line of the lot as lies within thirty feet of the side lot line of the adjoining lot.

(‡As amended on July 9, 1973, September 27, 1973, and October 31, 1980)

(Illustrated in Appendix 2)

‡(c) In H-3-65, B-3-65, B-8-120 and B-10-155 districts, regardless of the orientation of a building on a corner lot the minimum depth of yards abutting the east-west streets is 20 feet and no yards are required on north-south streets.

(‡As inserted on July 9, 1973, and amended on September 27, 1973, and October 31, 1980)

**SECTION 19-7. Side Wall of Building Not Parallel to Side Lot Line.** If the side wall of a building is not parallel to the side lot line nearest to it, but the average distance between such wall and such lot line is no less than the minimum side yard width otherwise required by this Article, and the distance between such wall and such lot line is at no point less, in the case of a side lot line which is not also a street line, than three-fourths of the minimum side yard width so otherwise required, and in the case of a side lot line which is also a street line, than one-half of the minimum side yard width so otherwise required, the requirements of this Article shall be deemed to be met.

(Illustrated in Appendix 2)

**SECTION 19-8. Side Yards of Certain Narrow Lots.** For each full foot by which a lot existing at the time this code takes effect is narrower than the minimum lot width specified for such lot in Table B of Section 13-1 or, if no minimum lot width is so specified, than fifty feet, one and one half inches shall be deducted from the width otherwise required by this Article for each side yard thereof; provided that in no event shall either side yard of any such lot in a S, R or H district be less than eight feet wide, or in any other district less than six feet wide.

(Illustrated in Appendix 2)

## ARTICLE 20.

### REAR YARDS

**SECTION 20-1. Rear Yard Requirements.** Except as otherwise provided in this Article, where a minimum depth of rear yard is specified in Table B of Section 13-1, so much of every lot within the district, and devoted to the use, specified as lies between the rear lot line and a line inside the lot parallel to, and such minimum depth from, the rear lot line is hereby required as a rear yard within which no structure shall be erected.

**SECTION 20-2. Accessory Buildings.** Accessory buildings may be erected in a rear yard; provided that no such building is more than fifteen feet in height or nearer than four feet to any side lot line; and provided further, that in a S, R or H district the accessory buildings in any one rear yard shall not occupy in the aggregate a greater percentage of such rear yard than that specified in Table B of Section 13-1.

**SECTION 20-3. Projections into Rear Yards.** Projections allowed by Section 19-1 into side yards may project the same

distance into rear yards but in no case within ten feet of a rear lot line or within eight feet of an accessory building.

‡SECTION 20-4. **Rear Yards in H Districts.** In an H district, other than an H-3-65 district, a lot with no side yard shall have a rear yard at least thirty feet deep; and a lot with side yards conforming to Section 19-4 need not have a rear yard deeper than twenty feet.

(‡As amended on October 31, 1980)

‡SECTION 20-5. **Rear Yards in L, B, M, I and W Districts.** If a rear lot line in an L, B, M, I or W district abuts a S, R or H district, such lot shall have a rear yard ten feet deeper than the minimum depth of rear yard specified in Table B of Section 13-1; provided that such lot need not have a rear yard deeper than twenty feet. See also Section 22-2A.

(‡As amended on February 14, 1979)

SECTION 20-6. **Rear Wall of Building Not Parallel to Rear Lot Line.** If the rear wall of a building is not parallel to the rear lot line and the rear lot line is not also a street line, but the average distance between such wall and such lot line is no less than the minimum rear yard depth otherwise required by this Article,



and the distance between such wall and such lot line is at no point less than three fourths of the minimum rear yard depth so otherwise required, the requirements of this Article shall be deemed to be met.

‡SECTION 20-7. **Rear Yards of Through Lots.** The front yard requirements of this code, and not the rear yard requirement of this Article, shall apply to that part of a rear yard which is also a street line except in the case of a rear yard which abuts a street less than twenty feet in width.

(‡As amended on April 14, 1967, and July 9, 1973)

SECTION 20-8. **Rear Yards of Certain Shallow Lots.** For each full foot by which a lot existing at the time this code takes effect is less than one hundred feet deep, six inches shall be deducted from the depth otherwise required by this Article for the rear yard thereof; provided that in no event shall the rear yard of any such lot be less than ten feet deep.

## ARTICLE 21

## SETBACKS

SECTION 21-1. **Setback Requirements.** Except as otherwise provided in this Article, where a minimum setback of parapet from lot line is specified in Table B of Section 13-1, neither the top line of the face of any wall of a structure within the district, and devoted to the use, specified, nor any cornice, eaves, parapet or other feature topping or overhanging such wall shall be closer to any lot line to which it is parallel or most nearly parallel than the distance specified in said Table B or, if such lot line abuts on a public open space or on one of two or more contiguous public open spaces, such distance minus whichever of the following is the lesser: (1) one half of the width of such open space or spaces, or (2) fifty feet.

SECTION 21-2. **Exceptions.** (a) No setback is required in any event below whichever of the following is the lower: (1) the combined height of the first and any second story above the mean grade from which the height of the building is measured, or (2) twenty-five feet.

‡(b) Subject to the provisions of Section 19-6, no setback from side lot lines or from side street lines of corner lots is required:

Below a Height of	Where Maximum Floor Area Ratio Specified in Table B is:
40 ft.	1.0
60 ft.	2.0
70 ft.	3.0
80 ft.	4.0
90 ft.	5.0
110 ft.	8.0
120 ft.†	10.0

†Except that in a B-10-155 district, no set back from a side lot line is required.

(‡As amended on September 27, 1973)

(c) In the case of a lot in a district where no side yard is required by this code, if there is on either or both sides of such lot a lot with a building not conforming to the setback from side lot lines required by this code, no setback from side lot lines is required below a height midway between the height specified in paragraph (b) of this section and the height of the nonconforming building or, if there is a nonconforming building

on each side, the average height of the nonconforming buildings.

**SECTION 21-3. Setback Where Parapet Not Parallel to Lot Line.** (a) If the lot line to which a parapet is most nearly parallel is a front lot line, and if the average distance between such parapet and such lot line is no less than the setback otherwise required by this Article, and if the distance between such parapet and such lot line is at no point less than three fourths of the setback so otherwise required, the requirements of this Article shall be deemed to be met.

(b) If the lot line to which a parapet is most nearly parallel is a side lot line, and if the average distance between such parapet and such lot line is no less than the setback otherwise required by this Article, and if the distance between such parapet and such lot line is at no point less, in the case of a side lot line which is not also a street line, than three-fourths of the setback otherwise required by this Article and, in the case of a side lot line which is also a street line, than one half of the setback so required, the requirements of this Article shall be deemed to be met.

(c) If the lot line to which a parapet is more nearly parallel is a rear lot line, and if the average distance between such parapet and such lot line is no less than the setback otherwise required by this Article, and if the distance between such parapet and such lot line is at no point less, in the case of a rear lot line which is not also a street line, than three-fourths of the setback otherwise required by this Article and, in the case of a rear lot line which is also a street line, than one-half of the setback so required, the requirements of this Article shall be deemed to be met.

(d) The word "parapet", as used in this section, shall be construed as though followed by the words "cornice, eaves or other feature topping or overhanging a wall or the face of a wall without such a feature".

**SECTION 21-4. Two or More Main Buildings on One Lot.** In the case of a lot with two or more main buildings, every lot line which is also a street line shall be deemed a front lot line for the purposes of this Article.

**Section 21-5. Special Setback Provisions for Regulated Projects.** The provisions of this Article shall not apply to so

much of a project under Chapter 121, or Chapter 121A, of the General Laws for the development or redevelopment of five or more acres of land as lies within a B-8 district or a B-10 district.

## ARTICLE 22

### YARD REGULATIONS

**SECTION 22-1. Residential Districts.** In S and R districts every yard required by this code, and in H districts every yard so required except rear yards and except also side yards not abutting a street line shall, along every lot line on which such yard abuts, be at a level no higher than grade level or, if the grade level of the abutting lot is higher, be at a level no higher than such higher level. Rear yards in H districts and also side yards in such districts not abutting a street line shall, along every lot line on which they abut, be at a level no higher than five feet above grade level.

**SECTION 22-2. Other Districts.** In L, B, M, I and W districts, every front yard required by this code shall, along every lot line on which such yard abuts be at grade level; and every rear yard so required and every side yard so required which does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.



‡SECTION 22-2A. **Landscaping or Screening of Lots in M, I and W Districts that Abut S, R or H Districts.** When a front, side or rear yard (if any) of a lot in an M, I or W district abuts or is across the street from an S, R or H district, if such lot is used for a use that is forbidden in the abutting S, R or H district, such yard shall be screened by a concealing fence or wall or be landscaped. In either case, the design of the screening or landscaping must be approved by the design section of the Boston Redevelopment Authority, and the plantings, fencing or wall must be adequately maintained thereafter. For purposes of this section, two districts shall not be deemed to abut one another if the boundary between them is a rail right of way or river, or to be across the street from one another if such street is 60 feet or more in width.

This requirement for landscaping or screening shall apply to any change in the use of a building or structure or of land, and to any alteration of a building or structure when the same would amount to a reconstruction or extension, Section 13-3 notwithstanding.

(‡As inserted on February 14, 1979)

SECTION 22-3. **Underground Encroachments.** In any district other than a S or R district, any garage or other accessory structure erected underground within any rear yard or side yard required by this code, including the piers, railings and parapets thereof, shall not extend more than five feet above grade level.

SECTION 22-4. **Two or More Dwellings on Same Lot.** If on one lot there are two or more dwellings (other than temporary dwellings) designed for occupancy, or occupied, by one or more families, or if on one lot there are one or more such dwellings and one or more other main buildings, such dwellings shall be separated from each other and from such other buildings by yards of the same minimum depths, and the provisions of Article 21 shall apply, as if each dwelling were on

a separate lot; and if such dwelling is to the rear of another dwelling or other main building, the provisions of paragraph (c) of Section 14-5 shall also apply. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from the requirements of this section if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this section were met.

**SECTION 22-5. Two or More Other Main Buildings on One Lot.** If on one lot there are two or more main buildings other than dwellings (which phrase, as here used, shall not be construed as excluding temporary dwellings from the words "main buildings"), the yard and setback requirements of this code shall apply at each actual lot line and not as if each building were on a separate lot.

## ARTICLE 23

### OFF-STREET PARKING

‡**SECTION 23-1. Residential Uses.** No structure or land shall be used for any use listed in Table A of Section 8-7

under Use Item Nos. 1, 2, 3, 4, 5, 6, 7, 7A, 7B, 8, 9, 10, 11, 12, 13, 13A, 14 or 15, unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13-1 for the Lot is:	For Each Dwelling Unit* There Shall be Provided at Least:
0.3 or 0.5	1.0 space†
0.8 or 1.0	0.9 space†
2.0	0.7 space†
3.0	0.6 space†
4.0	0.5 space†
5.0	0.4 space†

\*Where use is not divided into dwelling units:

- (a) If sleeping rooms have accommodations for not more than two persons, each two sleeping rooms shall constitute one dwelling unit; and
- (b) If sleeping rooms have accommodations for more than two persons, each four beds shall constitute one dwelling unit.

†Or, in the case of housing projects for elderly persons

of low income, 0.2 space. Housing projects for elderly persons of low income, as used herein, shall be deemed to mean such housing constructed under the Housing Authority law of the Commonwealth of Massachusetts and/or the United States Housing Act of 1937 as amended.

(‡As amended on November 26, 1965, April 14, 1967, November 9, 1978, April 11, 1979, and August 10, 1979)

‡SECTION 23-2. **Public Assembly Uses.** Except in a restricted parking district, no structure or land shall be used for any use listed in Table A of Section 8-7 under Use Item Nos. 21, 27, 28, 29, 30, 36A, 37, 38, 38A, 52, 62, 63, or 66 unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13-1 for the Lot is:	One Space shall be Provided,		
	If There Are Seats*, for Each:	If There Are No Seats, for Each:	
0.3 or 0.5	5 seats	100	square feet of public floor area in structures
0.8 or 1.0	6 seats	120	
2.0	8 seats	160	
3.0	15 seats	300	
4.0	20 seats	400	
5.0	20 seats	400	

\*Where benches are used for seating purposes, each two lineal feet of bench shall constitute one seat.

Except that places of worship need provide no more than one half of such number of spaces.

(‡As amended on September 27, 1973 and March 5, 1975.)

‡SECTION 23-3. **Institutional Uses.** Except in a restricted parking district, no structure or land shall be used for any use listed in Table A of Section 8-7 under Use Item Nos. 16, 16A, 17, 18, 19, 20, 20A, 22, 22A, 23, 24, 25, 39A, 77 or 79, unless off-street parking facilities are provided as follows:

If the Maximum Floor Area  
Ratio Specified in Table B of  
Section 13-1 for the Lot is:

One Space Shall be Provided  
for Each:

0.3 or 0.5	600	}	square
0.8 or 1.0	700		feet
2.0	1,000		of
3.0	1,800		gross
4.0	2,400		floor
5.0	2,400	)	area

Provided that any use under Use Item Nos. 16, 17, 18 or 19 primarily for children under sixteen need provide no more than one half of such

number of spaces; and provided further that where an institution maintains one or more dormitories, the number of parking spaces accessory to such dormitories shall be deducted from the number of parking spaces otherwise required by this section for a lot with classrooms, libraries, lecture halls, laboratories and similar educational areas normally used by persons resident in such dormitories unless such lot is regularly used by persons not resident in such dormitories or the parking spaces accessory to such dormitories are more than twelve hundred feet from such lot.

(‡As amended on July 9, 1973, September 27, 1973, October 19, 1978 and January 8, 1982)

‡SECTION 23-4. **Retail and Office Uses.** Except in a restricted parking district, no structure or land shall be used for any use listed in Table A of Section 8-7 under Use Item Nos. 32, 33, 34, 34A, 35, 36, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 61, 73, 74 or 78 unless off-street parking facilities are provided as follows:



If the Maximum  
Floor Area Ratio  
Specified in Table  
B of Section 13-1  
for the Lot is:

One Space Shall be Provided

	for Each:		and also for Each:
0.3 or 0.5	300	square	600
0.8 or 1.0	350	feet of	700
2.0	500	gross floor	1,000
3.0	900	area on	1,800
4.0	1,200	ground	2,400
5.0	1,200	floor	2,400
			area*

\*Where main use on a lot is an open-air use not enclosed in a structure, the area of the part of the lot actually devoted to such use shall constitute floor area.

(‡As amended on August 12, 1971, July 9, 1973,  
September 27, 1973, and March 5, 1975)

‡SECTION 23-5. **Factory and Warehouse Uses.** Except in a restricted parking district, no structure or land shall be used for any use listed in Table A of Section 8-7 under Use Item Nos. 31, 45, 54, 55, 56, 57, 60, 60A, 64, 65, 67, 68, 69, or 70 unless off-street parking facilities are provided as follows:

If the Maximum Floor Area  
Ratio Specified in Table B of  
Section 13-1 for the Lot is:

0.3 or 0.5

0.8 or 1.0

2.0

3.0

4.0

5.0

One Space shall be Provided  
for Each-

1,000 square

1,200 feet

1,600 of

2,000 gross

3,000 floor

3,000 area \*

\*Where main use on a lot is an open-air use not enclosed in a structure, the area of the part of the lot actually devoted to such use shall constitute floor area.

(\*As amended July 9, 1973 and September 27, 1973)

**SECTION 23-6. Off-Street Parking Not Required in Certain Cases.** (a) When the maximum floor area ratio specified in Table B of Section 13-1 for a lot is 8.0 or 10.0, off-street parking facilities are not required for such lot.

(b) When the maximum floor area ratio specified in Table B

of Section 13-1 for a lot is 0.8, 1.0, 2.0, 3.0, 4.0, or 5.0, off-street parking facilities are not required for such lot if the lot is devoted to residential uses and no more than two car spaces are required by Section 23-1 or if the lot is devoted to non-residential uses and no more than four car spaces are required by other provisions of this Article.

(c) When the maximum floor area ratio specified in Table B of Section 13-1 for a lot is 0.3 or 0.5, off-street parking facilities are not required for such lot if the lot is devoted to non-residential uses and no more than two car spaces are required by other provisions of this Article.

**SECTION 23-7. Mixed Uses.** (a) If a lot by reason of a diversity of occupancies is subject to more than one of the first five sections of this Article, the number of car spaces required by each section for the occupancies subject to it shall be determined, and then such numbers totalled; and off-street parking facilities with such total number of car spaces shall be provided.

(b) If a single occupancy involves uses subject to more than one of the first five sections of this Article, off-street parking facilities shall be provided for such occupancy in accordance with the section to which the dominant use is subject, except that if a minor use subject to another of said sections occupies more than ten thousand square feet or more than twenty-five percent of the gross floor area of the structure, off-street parking facilities shall be provided as if the lot were by reason of a diversity of occupancies subject to more than one of said sections.

‡SECTION 23-7A. **Pre-Code Structures.** If a structure existing on December 31, 1964, is altered or extended so as to increase its gross floor area or the number of dwelling units, only the additional gross floor area or the additional number of dwelling units shall be counted in computing the off-street parking facilities required.

(‡As inserted April 14, 1967)

‡SECTION 23-8. **Location.** (a) Except in the case of a lot serviced by a common parking facility, the off-street parking facilities required by this Article shall be provided

on the same lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, may grant permission for such facilities to be on another lot in the same ownership in either of the following cases:— (1) where the main use on the particular lot is for residential purposes and the other lot is within four hundred feet of the particular lot; and (2) where the main use on the particular lot is for non-residential purposes and the other lot is within twelve hundred feet of the particular lot.

(b) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided, that there is a permanent allocation of the requisite number of spaces for each use and that the total number of spaces is not less than the aggregate of the numbers required for each use.

(c) Parking spaces provided by the City on public right-of-way adjacent to housing units for families of low or moderate income or families displaced from urban renewal areas or as a result of governmental action, when such housing units will have mortgage insurance provided according to Title 12 U. S. Code (1964 edition) S. 1715 (L), as amended from time to time, and when such parking spaces are clearly intended by their location and design to be used primarily by residents of such housing units and their visitors, may be substituted space for space for the parking spaces required by this code. This section shall not apply to parking spaces along the curb of any street which is used primarily for the movement of vehicles belonging to others than residents of such housing or their visitors.

(‡As amended April 14, 1967)

SECTION 23-9. **Design.** All off-street parking facilities provided to comply with this Article shall meet the following specifications:

(a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed



as not to constitute a nuisance or a hazard or unreasonable impediment to traffic; and all lighting shall be arranged as to shine downward and away from streets and residences.

(b) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained and maintained as to prevent water and dust therefrom going upon any street or another lot.

(c) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling or servicing of any kind.

(d) Each car space shall be located entirely on the lot and shall be no less than eight and one half feet in width and twenty feet in length, exclusive of maneuvering areas and access drives.

SECTION 23-10. **Maintenance.** All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be

used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

## ARTICLE 24.

### OFF-STREET LOADING

#### §SECTION 24-1. Off-Street Loading Bay Requirements.

No structure or land shall be used for any use unless off-street loading facilities are provided on the lot as follows:

Gross Floor Area (in square feet)	Number of Loading Bays Required		
	Group I Uses*	Group II Uses**	Group III Uses***
Under 15,000 .....	0	0	0
15,000 to 50,000 .....	0	1	1
50,000 to 100,000 .....	0	1	2
100,000 to 150,000 .....	0	2	3
150,000 to 300,000 .....	0	3	4
300,000 and over .....	0	†	#

†4 plus 1 for each additional 150,000 square feet

#5 plus 1 for each additional 150,000 square feet

\*Uses listed in Table A of Section 8-7 under Use Item Nos.

1, 2, 3, 4, 5, 6, 7, 7A, 7B, 8, 9, 10, 22A, 26, 27, 28, 31, 32  
33, 39, 39A, 40, 50, 52, 53, 58 and 59.

\*\*Uses listed in Table A of Section 8-7 under Use Item Nos.

11, 12, 13, 13A, 14, 15, 16, 16A, 17, 18, 19, 20, 20A, 21, 22, 23,  
24, 25, 29, 30, 36A, 37, 38, 38A, 41, 42, 43, 44, 46, 47, 48,  
49 and 51.

\*\*\*Uses listed in Table A of Section 8-7 under Use Item Nos.

34, 34A, 35, 36, 45, 54, 55, 56, 57, 60, 60A, 61, 62, 63, 64,  
65, 66, 67, 68, 69 and 70.

**Mixed Uses.** If a lot by reason of a diversity of occupancies falls within more than one use group, the number of loading bays required by the occupancies within each use group shall be determined and then such numbers totalled; and off-street loading facilities with such total number of bays shall be provided.

**Pre-Code Structures.** If a structure existing when this code took effect is altered or extended so as to increase its gross floor area,

only the additional gross floor area shall be counted in computing the off-street loading bays required.

(‡As amended on April 14, 1967, April 30, 1968, August 12, 1971, July 9, 1973, March 5, 1975, October 19, 1978, November 9, 1978, August 10, 1979, and January 8, 1982)

**SECTION 24-2. Design.** All off-street loading facilities provided to comply with Section 24-1 shall meet the following specifications:

- (a) Such facilities shall have bays, maneuvering areas, and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic; and all lighting shall be so arranged as to shine away from streets and residences.
- (b) Such facilities, including all bays, maneuvering areas and access drives, shall be so graded, surfaced, drained and maintained as to prevent water and dust therefrom going upon any street or another lot.
- (c) Each loading bay shall be located entirely on the lot

and shall be no less than ten feet in width, twenty-five feet in length, and fourteen feet in height, exclusive of maneuvering areas and access drives. Each loading bay within fifty feet of a residential district shall be enclosed in a structure if the use regularly involves night operations.

**SECTION 24-3. Maintenance.** All off-street loading facilities provided to comply with Section 24-1 shall be maintained exclusively for loading and unloading purposes so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

## ‡ARTICLE 25

### FLOOD HAZARD DISTRICTS

‡Article inserted on March 24, 1977, and amended on March 26, 1982.

**SECTION 25-1. Statement of Purpose.** The purpose of this article is to promote the health and safety of the occupants of land against the hazards of flooding, to preserve and protect the streams and other water courses in the city and their adjoining lands, to protect the community against detrimental use and development, and to minimize flood losses, by provisions designed to:

1. Restrict or prohibit uses and structures which are dangerous to health, safety or property because of water hazards or which cause damaging increases in flood heights or flood velocities.
2. Consider flood plain management in neighboring areas.

**SECTION 25-2. Warning and Disclaimer of Liability.** The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods may occur. This article does not imply that areas outside designated flood hazard districts or land uses permitted within such districts will be free from flooding or flood damages. This article shall not create liability on the part of the City of Boston or any officer or employee thereof for any flood damages that may result from reliance on this article or from any administrative decision lawfully made thereunder.

**SECTION 25-3. Definition and Location of Districts.** Flood hazard districts, also called special flood hazard areas, are defined as lands in a flood plain that are subject to a one percent probability of flooding in any given year. Such flooding is known as the base or 100-year flood. Said districts are shown on a series of map panels prepared by the Federal Emergency Management Agency (FEMA) entitled "FIRM/Flood Insurance Rate Map/City of Boston, Massachusetts/Suffolk County" effective April 1, 1982. The map identifies special flood hazard areas as A and V zones. V zones are certain coastal areas that are subject to additional hazard because of water velocity and waves. The maps also give the elevations of the base flood in feet above mean sea level (National Geodetic Vertical Datum of 1929).



A floodway is defined as the channel of a river or other waterway plus overbank areas that must be kept open in order to discharge the 100-year flood without increasing flood heights. One floodway, for Mother Brook in Hyde Park, is identified by FEMA on a map entitled "Floodway/ Flood Boundary and Floodway Map/City of Boston, Massachusetts/Suffolk County/Panel 21 of 31" effective April 1, 1982.

The maps are based on a scientific and engineering study by FEMA entitled "Flood Insurance Study/City of Boston, Massachusetts, Suffolk County" dated October 1, 1981.

Said study and the FIRM and Floodway maps and all maps which, by amendment by the Federal Emergency Management Agency, may be substituted therefor or made supplemental thereto shall be deemed to be, and are hereby made, a part of this code. Said maps and study are on file in the offices of the Building Department, the Conservation Commission, the Zoning Commission and the Engineering Division of the Public Works Department.

**SECTION 25-4. Interpretation of Maps.** The Building Commissioner shall make interpretations, where needed, as to the exact boundaries of flood hazard districts or floodways. If the map information does not reflect actual site conditions in relation to the base flood elevation, said Commissioner may determine that a location is within or outside a flood hazard district, based on actual elevations provided by a registered professional surveyor or registered professional engineer. Such determination may be appealed to the Board of Appeal under the provisions of Section 5-2 of this code.

The City or an individual may appeal to the Federal Emergency Management Agency to amend the FIRM or Floodway maps or the Flood Insurance Study.

**SECTION 25-5. Regulations.** Development in flood hazard districts, including any manmade change to improved or unimproved real estate, such as buildings or other structures, dredging, filling, driving of piles, grading, paving, excavation or drilling operations, shall be subject to the following regulations:

1. **Residential Construction.** New residential construction shall have the lowest floor, including basement, elevated to or above the base flood elevation.

2. **Nonresidential Construction.** New construction of any commercial, industrial or other nonresidential structure either shall have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
  - (1) be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water; and
  - (2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - (3) be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Building Commissioner.
3. **Pre-existing Structures.** In the case of a building or structure that lawfully exists or for which a building permit has been lawfully issued prior to the effective date of this article, the Board of Appeal may grant permission for reconstruction, structural change or extension thereof under the provisions of Section 9-1, provided that any nonconformity with items 1 and 2 above is not increased.
4. **Storage of Materials and Equipment.** Storage or processing of materials that are flammable, explosive or injurious to water quality or to human, animal or plant life is forbidden in any flood hazard district. Storage of other material or equipment shall be firmly anchored to prevent flotation or be readily removable from the area.
5. **Grading, Filling, Excavating, Dredging, Driving of Piles.** No building permit shall be issued for any work that involves grading, filling, excavating, dredging, driving of piles, paving or other activity that is subject to Chapter 131, Section 40, as amended, of the Massachusetts General Laws unless such work complies with a final order of conditions issued by the Boston Conservation Commission.
6. **Mobile Homes.** No mobile home shall be placed in a flood hazard district.

7. **Floodways.** In a designated floodway there shall be no encroachment, in the form of fill, new construction, substantial improvements, or other development, unless a technical evaluation demonstrates that such encroachment will not result in any increase in flood levels during the base flood discharge.
8. **High Hazard Coastal Districts.** In any V zone, any structure or substantial improvement of any existing structure shall be located landward of the reach of mean high tide.

SECTION 25-6. **Variances.** Subject to the provisions of Sections 7-2, 7-3, and 7-4, the Board of Appeal may, in a specific case and after public notice and hearing, grant a variance from the provisions of this article provided that the Board of Appeal finds that the proposed use or structure (a) will not derogate from the purpose of this article, (b) will comply with the provisions of the underlying subdistrict or subdistricts, (c) will not overload any public water, drainage or sewer system to such an extent that the proposed use or any developed use in the area or in any other area will be unduly subjected to hazards affecting health, safety or the general welfare, and (d) will not be located within a floodway unless it is demonstrated to the satisfaction of the Board of Appeal that there will be no increase in flood levels during the base flood discharge.

Such variances shall lapse and become null and void unless used within two years after the record of said Board's proceedings pertaining thereto is filed with the Building Commissioner pursuant to Section 8 of Chapter 665 of the Acts of 1956 as amended.

**Factors to be Considered.** In considering a petition for a variance from the provisions of this article, the Board of Appeal shall consider all technical evaluations, standards in other sections of the article and:

- a. the danger that materials may be swept onto other lands to the injury of others;
- b. the danger to life and property due to flooding;
- c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d. the importance of the services provided by the proposed facility to the community;
- e. the necessity to the facility of a waterfront location, where applicable;
- f. the availability of alternative locations for the proposed use which are not subject to flood damage;



- g. the compatibility of the proposed use with existing and anticipated development;
- h. the relationship of the proposed use to the comprehensive plan and flood plain management program of the area;
- i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

**Procedures.** At the time a variance from item 1 or item 2 of Section 25-5 is issued, the Executive Secretary of the Board of Appeal shall notify the petitioner in writing that (1) construction permitted by said variance will be subject to increased flood insurance rates commensurate with the degree of nonconformity, and (2) construction below the base flood elevation increases risks to life and property.

The Board of Appeal shall maintain a record of all variances granted from Section 25-5, including justification for their issuance. Such variances shall be reported to the Federal Emergency Management Agency in such annual or periodic report as may be requested by the Agency.

**Exception.** A variance from the provisions of this article may be granted by the Board of Appeal, after due notice and hearing, for the reconstruction or restoration of a structure, or of a structure in a district, which is listed in the National Register of Historic Places or which has been designated by the Boston Landmarks Commission under the provisions of Chapter 772 of the Acts of 1975, even though the requirements of this section are not met.

**SECTION 25-7. Application.** The provisions of this article are not intended to repeal, amend, abrogate, annul, or interfere with any lawfully adopted statutes, ordinances, covenants, regulations, or rules. However, where this article imposes greater restrictions, the provisions of this article shall govern. (Note: The jurisdiction of the Boston Conservation Commission under Chapter 131, Section 40, of the Massachusetts General Laws includes areas not shown on the FIRM and Floodway maps.)



## **APPENDIX 1**

### **Fees Charged by the Commissioner, Inspectional Services Department, for Appeal to the Board of Appeal**

**Appeal to Board of Appeal under Zoning Law:** The entry fee which shall be paid to the Commissioner, Inspectional Services Department, for each appeal under Section 8 of Chapter 665 of the Acts of 1956, as amended, to the Board of Appeal from a refusal, order or decision of an administrative official shall be, in the case of a structure which, if such appellant prevails, is to be used exclusively for dwelling purposes by not more than three families and no other use, \$100.00 (which shall include the cost to the city of publishing and sending notices of hearing as required by law), and in the case of each and every other structure the fee shall be \$100.00 for each condition, provision, use item restriction or dimensional requirement (which shall include the cost to the city of publishing and sending notices of hearing as required by law) sought by the appellant.



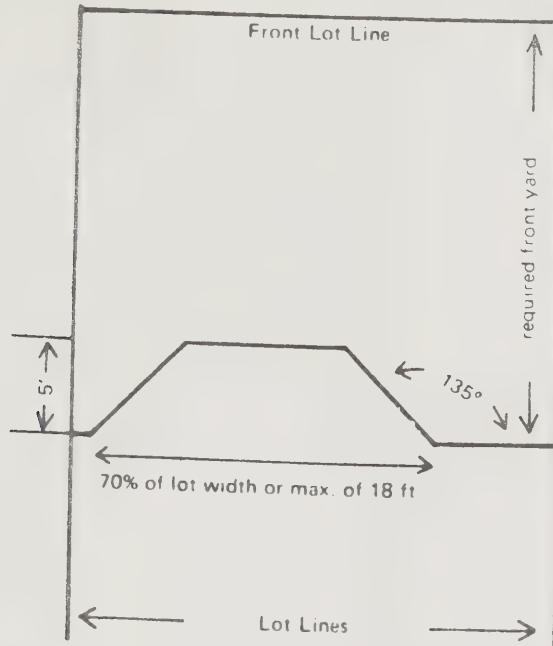


## APPENDIX 2 ILLUSTRATIONS

Prepared by The BOSTON REDEVELOPMENT AUTHORITY

### SECTION 2-1 (3B) "Bay Window"

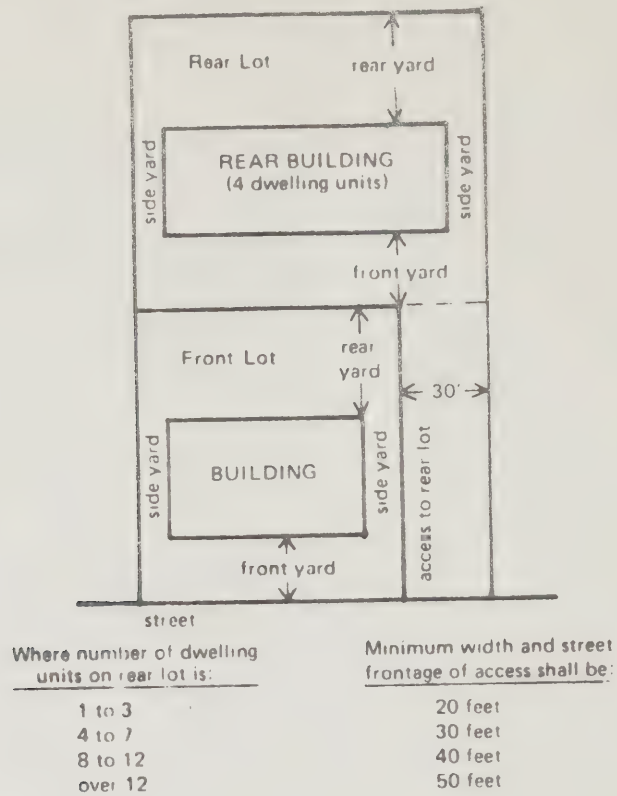
Allowed to protrude into front yard if it is entirely contained within these dimensions:



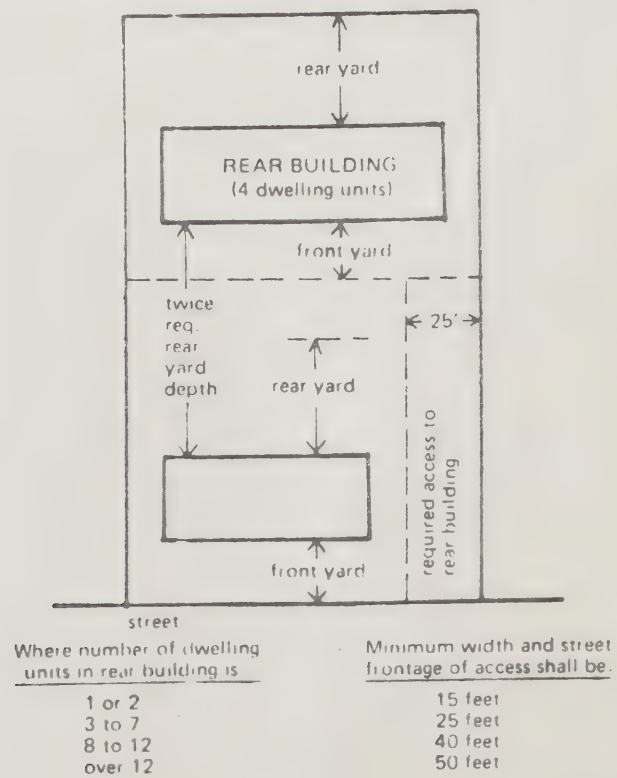
### SECTION 14-1 Minimum Lot Size

R-5 DISTRICT		R-8 DISTRICT	
<div>100 ft.</div> <div>1 Dwelling Unit</div> <div>5,000 s.f.</div>	<div>2 Dwelling Units</div> <div>1st. - 5,000 sq. ft.</div> <div>2nd. - 3,000 sq. ft.</div> <div style="border-top: 1px solid black;">8,000 sq. ft.</div>	<div>2 Dwelling Units</div> <div>1st. - 5,000 s.f.</div> <div>2nd. - 1,500 s.f.</div> <div style="border-top: 1px solid black;">6,500 s.f.</div>	<div>4 Dwelling Units</div> <div>1st. - 5,000 sq. ft.</div> <div>2nd. - 1,500 " "</div> <div>3rd. - 1,500 " "</div> <div>4th. - 1,500 " "</div> <div style="border-top: 1px solid black;">9,500 sq. ft.</div>
50 ft.	80 ft.	65 ft.	95 ft.

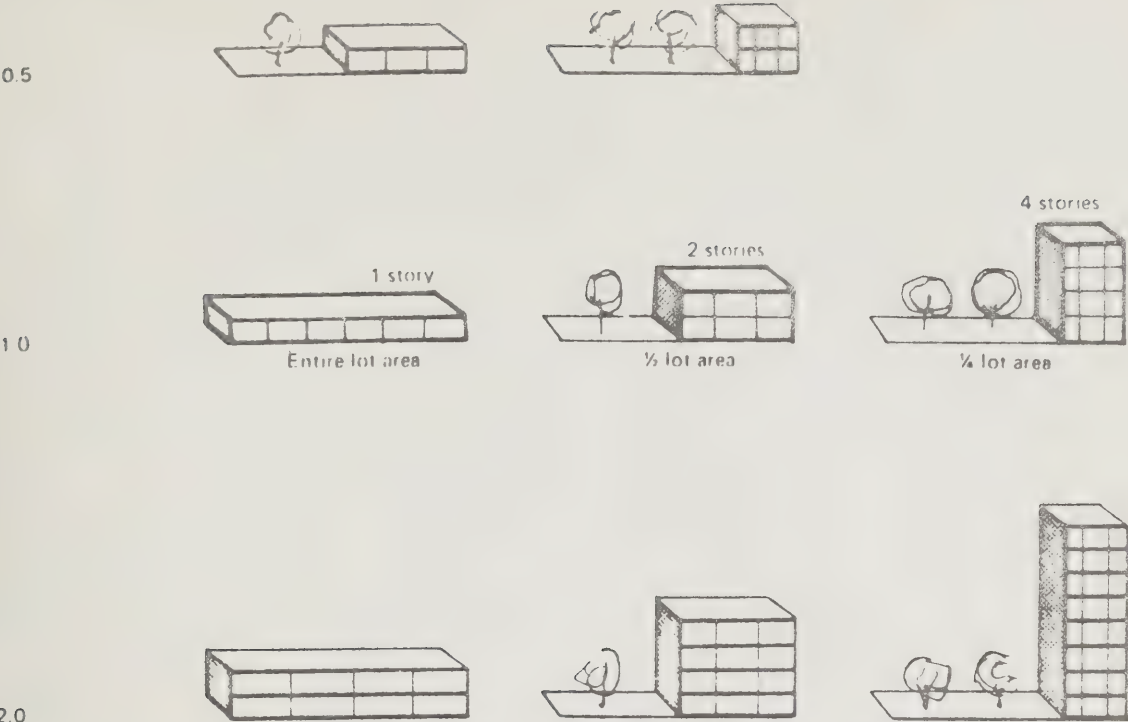
**SECTION 14-4 (b). Lot Frontage: Lot located to rear of another lot or lots:**



**SECTION 14-5. Lot Frontage: Building on rear of a lot.**



SECTION 15-1 Floor Area Ratio



Floor Area Ratio is the ratio of the total area of all floors in the building to the area of the lot. It measures building density directly and population density indirectly.

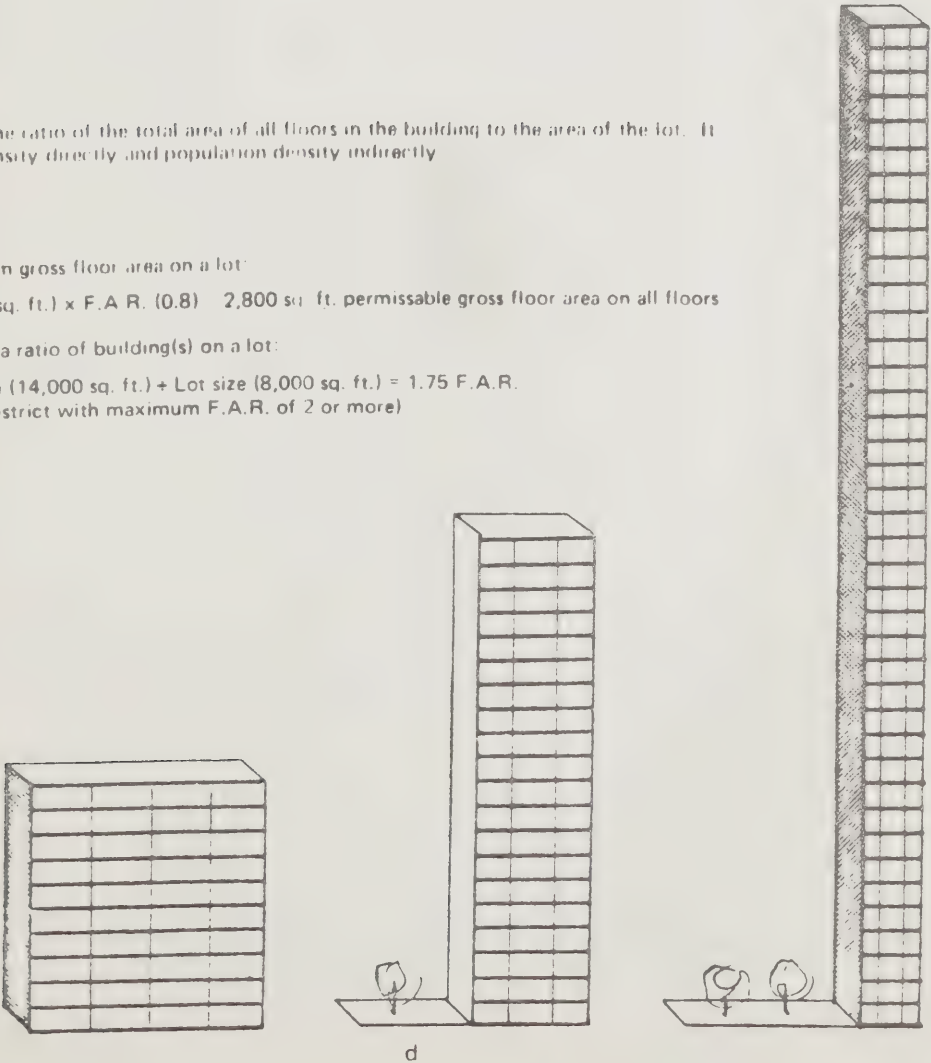
Examples

To calculate maximum gross floor area on a lot:

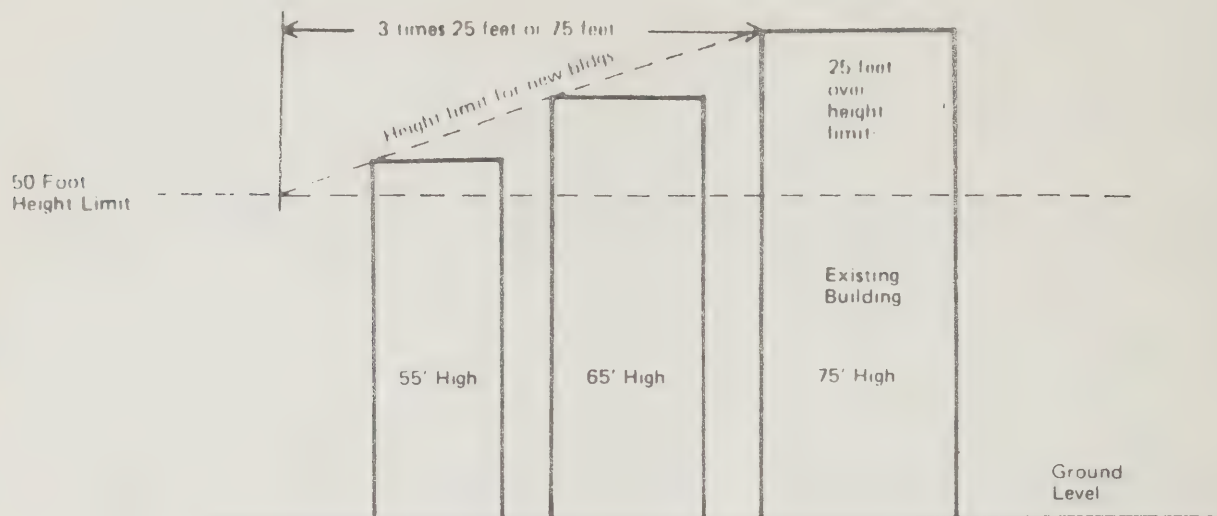
Lot size (3500 sq. ft.) × F.A.R. (0.8) = 2,800 sq. ft. permissible gross floor area on all floors

To calculate floor area ratio of building(s) on a lot:

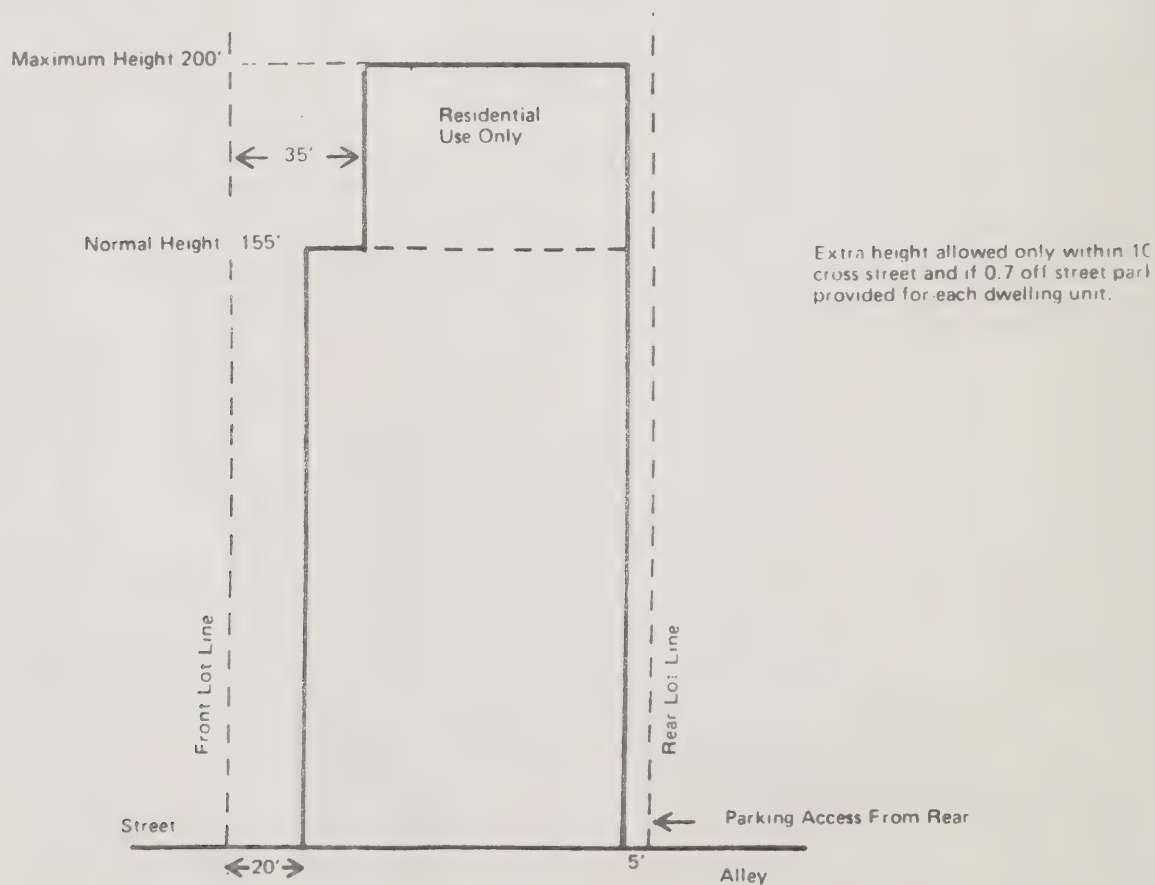
Gross floor area (14,000 sq. ft.) ÷ Lot size (8,000 sq. ft.) = 1.75 F.A.R.  
(permitted in district with maximum F.A.R. of 2 or more)



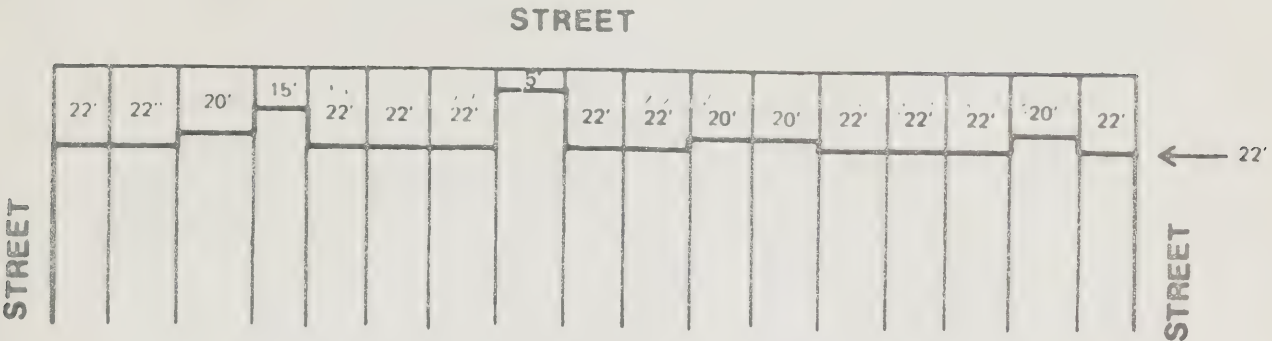
SECTION 16-3. Height of Buildings: Exceptions Ajoining Nonconforming Buildings.



SECTION 16-5. Height of Buildings: Exceptions in a B-10-155 District.



SECTION 18-1 and 18-2. "Most frequently occurring" front yard depth.

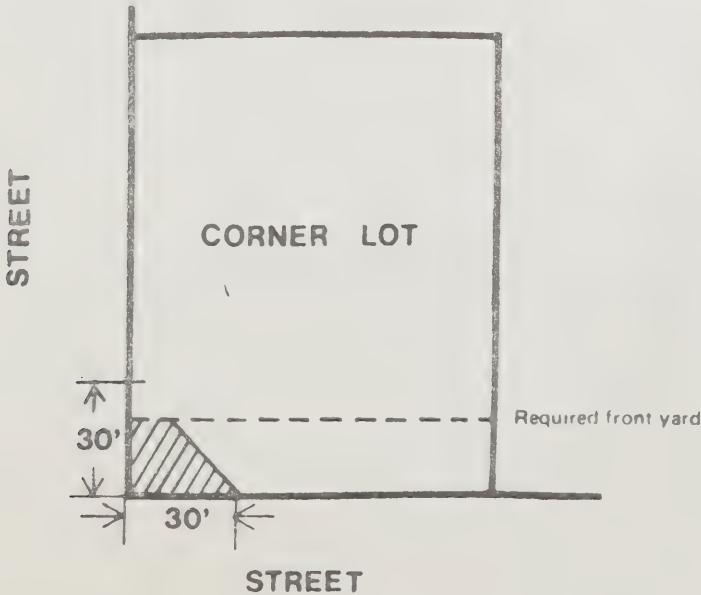


Required front yard, Table B - 20 feet  
Most frequently occurring front yard - 22 feet = 22 feet required



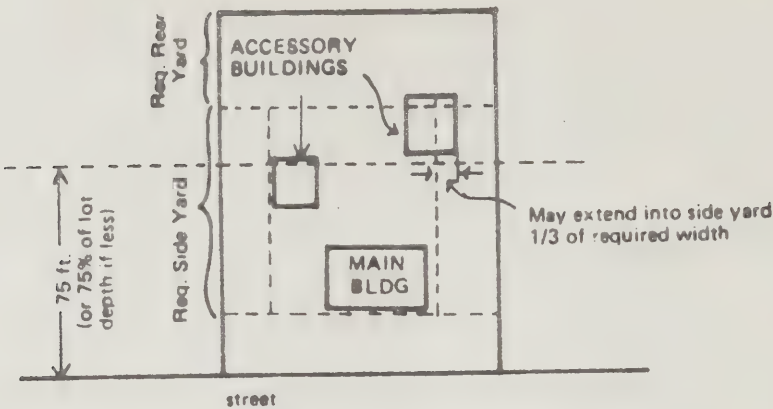
Required front yard, Table B - 15 feet  
Most frequently occurring front yard - 15' = 15 feet required

SECTION 18-3. Front Yards: Traffic visibility across corner.

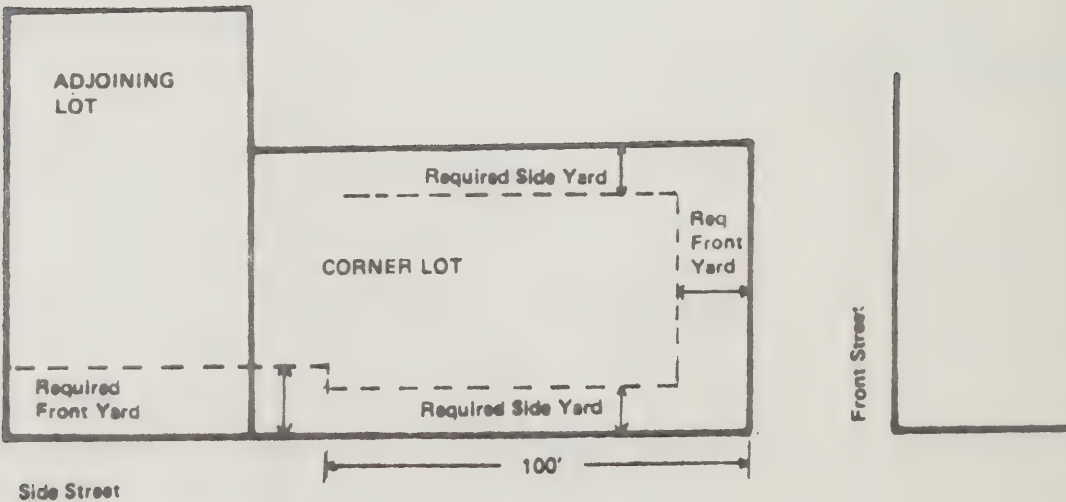




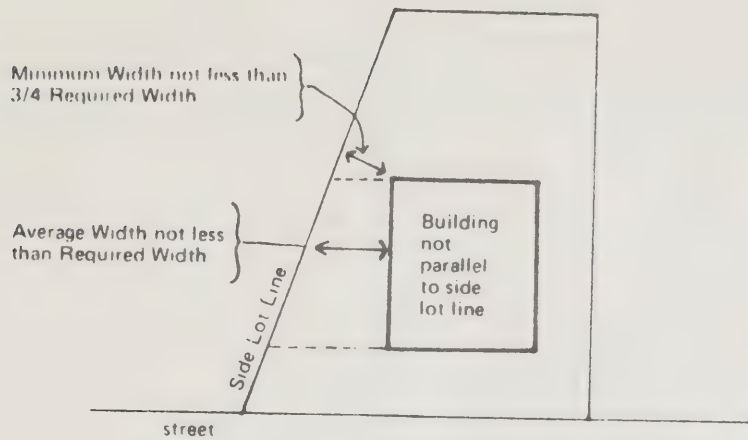
SECTION 18-3. Side Yards: Accessory Garages and Other Accessory Buildings



SECTION 18-8. Side Yards: Special Provisions for Corner Lots



SECTION 19-7. Side Yards: Side Wall Of Building Not Parallel To Side Lot Line.



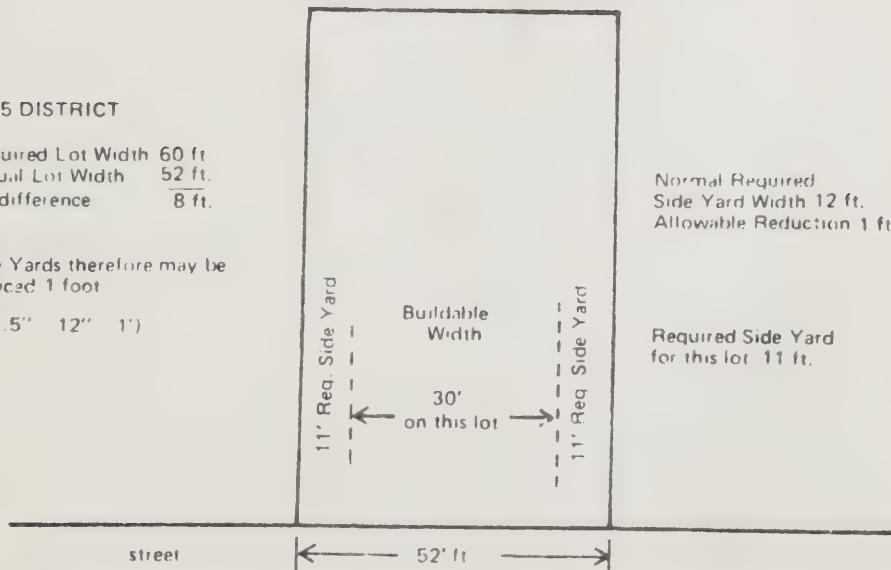
SECTION 19-8. Side Yards of Certain Narrow Lots.

S - .5 DISTRICT

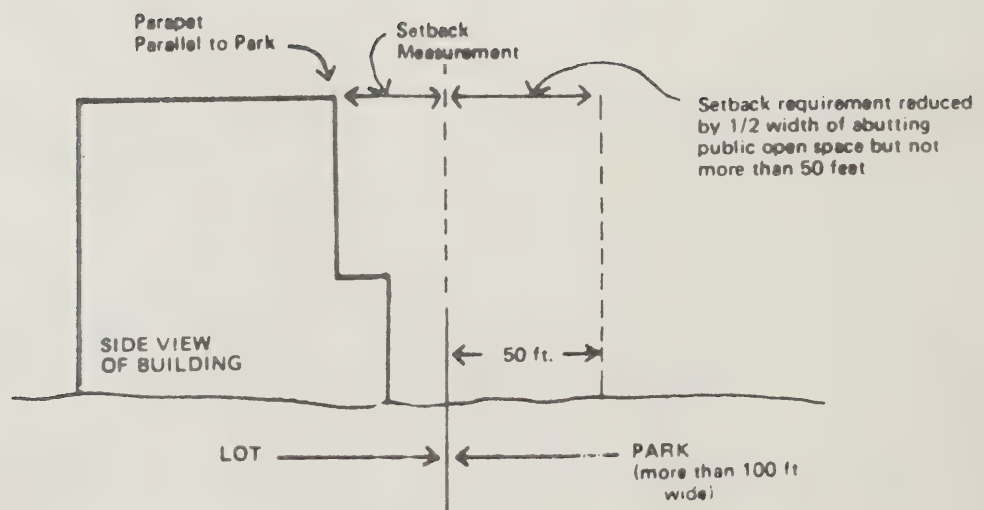
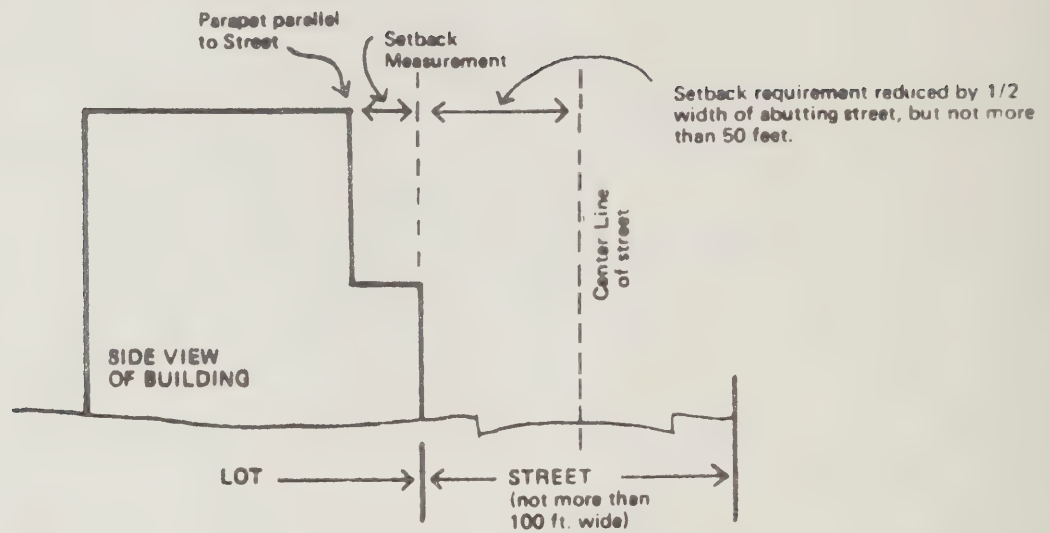
Required Lot Width 60 ft  
Actual Lot Width 52 ft.  
difference 8 ft.

Side Yards therefore may be  
reduced 1 foot

(8x1.5" 12" 1')




## SECTION 21-1. Setback Requirements





BOSTON ARCHITECTURAL CENTER  
LIBRARY  
320 NEWBURY ST.  
BOSTON, MA. 02115



RECEIVED

DEC 1 1983

MAYOR'S OFFICE

Text Amendment Application No. 96  
Commissioner of Traffic and Parking  
Add "Limited Parking District"

TEXT AMENDMENT NO. 72

EFFECTIVE  
December 30, 1983

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956 as amended, after due report, notice and hearing, does hereby amend the Boston Zoning Code as follows:

1. By striking out, in the first paragraph of Section 3-1A, the phrase "(d) restricted parking district;" and inserting in place thereof the following phrase:

(d) restricted and limited parking districts;

2. By striking out the fourth paragraph of said Section 3-1A and inserting in place thereof the following paragraphs:

Restricted and Limited Parking Districts. In a restricted parking district, off-street parking facilities, including parking lots, parking garages, and parking accessory or ancillary to any use other than use items numbered 1 through 15, shall be conditional uses which may be granted only in conformance with the provisions of Section 6-3A as well as Sections 6-2, 6-3 and 6-4.

In a limited parking district, Use Item Nos. 58 and 59, parking lot and parking garage, shall be forbidden uses. (Note: These restrictions are not applicable to land of agencies or authorities of the Commonwealth of Massachusetts or the United States of America that are not subject to municipal zoning.)

3. By inserting, in Use Item 58 of Table A of Section 8-7, a plus mark (+) beside the C's in the L and W columns.
4. By striking out the third footnote below said Use Item 58 and inserting in place thereof the following footnote:

# A+ in B-1 and B-2; C+ in other B districts.



5. By striking out the fourth footnote below said Use Item and inserting in place thereof the following footnote:

+ Except C in a restricted parking district and except F in a limited parking district.

6. By inserting, in Use Item No. 59 of said Table A, a dagger (†) sign beside the C's in the L and W columns.

7. By striking out the second footnote under said Use Item No. 59 and inserting in place thereof the following footnote:

+ Except C in a restricted parking district and except F in a limited parking district.

ZONING COMMISSION . CITY OF BOSTON  
c/o Boston Redevelopment Authority  
City Hall - 9th Floor  
Boston, Massachusetts 02201

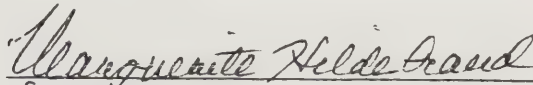
Telephone:  
722-4300  
ext. 281

Erratum

TEXT AMENDMENT NO. 72

The following correction should be made in the copy of Text Amendment No. 72 (Text Amendment Application No. 96), establishing "Limited Parking District", mailed to you recently:

In item 7, the plus mark (+) at the beginning of the footnote should be corrected to a dagger (†) .

  
Secretary  
City of Boston Zoning Commission

1/24/84



Richard Stouler  
Chairman  
Richard F. Battles  
Vice Chairman  
Marvin Rosenberg  
Frederick T. Colborn  
Thomas B. Green  
Robert B. Baker  
G. L. Man  
William F. McNeill  
Joseph W. Joyce

In Zoning Commission

Adopted December 12, 1983

Attest: Marguerite Hildebrand  
Secretary

Mayor, City of Boston

Date: \_\_\_\_\_

The foregoing amendment was presented to the Mayor on December 14, 1983, and was not returned by him with objections thereto in writing within fifteen days thereafter. The foregoing amendment, therefore, became effective on December 30, 1983, in accordance with the provisions of Section 3 of Chapter 565 of the Acts of 1956.

Attest: Marguerite Hildebrand  
Secretary



RECEIVED

DEC 2 1983

MAYOR'S OFFICE

Text Amendment Application No. 97  
Boston Redevelopment Authority  
Development Impact Project  
Regulations

TEXT AMENDMENT NO. 73

EFFECTIVE

THE COMMONWEALTH OF MASSACHUSETTS

December 29, 1983†

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956 as amended, after due report, notice and hearing, does hereby amend the Boston Zoning Code as follows:

A. By inserting, below Article 25 of said Code, the following article:

ARTICLE 26

DEVELOPMENT IMPACT PROJECTS

SECTION 26-1. Statement of Purpose. The purpose of this article is to promote the public health, safety, convenience and welfare; to prevent overcrowding and deterioration of existing housing; to preserve and increase the City's housing amenities; to facilitate the adequate provision of the public requirement for low and moderate income housing; and to establish a balance between new, large-scale real estate development and the low and moderate income housing needs of the City of Boston, by provisions designed to:.

1. Afford review and to regulate large-scale real estate development projects which create new jobs and attract new workers to the City of Boston.
2. Increase the availability of low and moderate income housing by requiring developers, as a condition of the grant of deviations from the Zoning Code or the grant of an amendment to the Zoning Map, to make a development impact payment to the Neighborhood Housing Trust or to contribute to the creation of low and moderate income housing.

SECTION 26-2. Definitions.

1. "Development Impact Project", any development in the City of Boston in which it is proposed to erect a building or structure having a gross floor area (exclusive of all accessory parking garage space) in excess of one hundred thousand (100,000) square feet, or to enlarge or extend a building or structure so as to increase its gross floor area (exclusive of all accessory parking garage space) by more than one hundred thousand (100,000) square feet or to substantially rehabilitate a building or structure having, or to

---

†Date of public notice: December 1, 1983 (see St. 1956, c. 665, s. 5).



have, after rehabilitation, a gross floor area (exclusive of all accessory parking garage space) of more than one hundred thousand (100,000) square feet; which building or structure is intended for a use for which the use item number is listed in Table C, Section 26-3, or, for a use for which the use item number is not listed if such building project will directly result in a reduction in the supply of low and moderate income dwelling units; and which development requires a variance, conditional use permit, exception or zoning map or text amendment.

2. "Development Impact Project Plan", a plan for a development which qualifies as a Development Impact Project. The Plan shall set forth the proposed location and appearance of structures, open spaces and landscaping, proposed uses of the building or buildings, densities, projected number of employees, proposed traffic circulation, parking and loading facilities, access to public transportation, proposed dimensions of structures, and may include proposed building elevations, schematic layout drawings and exterior building materials, and such other matters as the Boston Redevelopment Authority deems appropriate to its consideration of the proposed construction.
3. "Development Impact Project Exaction", the payment of a sum of money by the Project applicant, which rate of payment is set forth in Section 26-3(2), below, to the Neighborhood Housing Trust (the Housing Payment Exaction) or the creation, by the Project applicant, of housing units (the Housing Creation Exaction).
  - (a) The Housing Payment Exaction shall be made to the Neighborhood Housing Trust in twelve (12) equal, annual installments, the first installment due upon the issuance of a certificate of occupancy for the Project building or twenty-four (24) months after the granting of the building permit, whichever comes first. The remaining eleven (11) payments shall be due and payable annually on the anniversary of the first payment. However, if said Neighborhood Housing Trust has not been created at the time any such Housing Payment Exaction becomes due, the Project applicant shall make the payment to the Boston Redevelopment Authority. The Boston Redevelopment Authority shall place any payments received, on account of the Housing Payment Exaction requirement in an escrow account, to be held therein for the benefit of the Trust, until such time as the Neighborhood Housing Trust is created. Any payments made by the Project applicant to the Neighborhood Housing Trust, on account of the Housing Payment Exaction requirement, shall be credited against any amounts due to said Trust on account of any neighborhood impact excise which may be assessed by the City of Boston.
  - (b) The Housing Creation Exaction requirement shall be met by contributing to the creation of housing units, for occupancy exclusively by low and moderate income residents of the City, at a cost at least equal to the amount of the appropriate

Housing Payment Exaction, and in conformity with written regulations to be adopted by the Boston Redevelopment Authority after public notice and hearing. The actual Housing Creation Exaction may be approved by the Authority only after public notice and hearing.

4. "Substantially rehabilitate", to cause alterations or repairs to be made, to a building or structure, within any period of twelve (12) months, costing in excess of fifty (50) percent of the physical value of the building or structure. Physical value of a building or structure shall be based on the assessed value as recorded in the assessor's office of the City of Boston.
5. "Neighborhood Housing Trust", a Massachusetts charitable trust to be created pursuant to the Special Statutes and Ordinances of the City of Boston. The Trust will administer funds received by means of the Housing Payment Exaction requirement for Development Impact Projects.
6. "Public agency", a department, agency, board, commission, authority, or other instrumentality of the Commonwealth, or of one or more political subdivision(s) of the Commonwealth, or of the United States.

SECTION 26-3. Development Impact Project Requirements. No variance, conditional use permit, exception or zoning map or text amendment for a Development Impact Project shall be granted, allowed or adopted unless the following requirements are met:

1. The Boston Redevelopment Authority, after a public hearing, shall have approved a Development Impact Project Plan. No Plan shall be approved by the Authority unless the Authority finds that the Plan conforms to the general plan for the City as a whole and that nothing in such Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare; and
2. The person or persons making application for a variance, conditional use permit, exception, or zoning map or text amendment to erect, substantially rehabilitate, enlarge, or extend a building or structure pursuant to a Development Impact Project Plan shall also have entered into an agreement with the Boston Redevelopment Authority and the Neighborhood Housing Trust to be responsible for a Development Impact Project Exaction.
  - (a) For each use listed below, in Table C, a Housing Payment Exaction of five dollars (\$5.00) for each square foot of gross floor area in excess of one hundred thousand (100,000) square feet, shall be required. Uses, other than accessory parking, that are ancillary or accessory to the uses listed in Table C shall also be subject to the Housing Payment Exaction.



TABLE C: Development Impact Uses

<u>Use</u>	<u>Use Item Numbers</u>
Office	39, 39A, 40, 41, 42
Retail Business and Service	30, 31, 32, 34, 34A, 35, 36, 36A, 37, 37A, 38, 38A, 43, 44, 45, 46, 47, 48, 49, 60, 60A, 61
Institutional and Educational	11, 12, 13, 13A, 14, 16, 16A, 17, 18, 19, 20, 20A, 21, 22, 22A, 23, 24, 29
Hotel and Motel, but not including Apartment Hotel	15

- (b) For mixed-use buildings or structures in which one or more of the above uses are combined, the above requirements shall apply if the gross floor area devoted to any one or more of the said uses shall in the aggregate exceed one hundred thousand (100,000) square feet.
- (c) The Housing Payment Exaction rate for the use categories listed in Table C shall be subject to recalculation five (5) years after the effective date of this provision and every five (5) years thereafter. The Boston Redevelopment Authority, after public notice and hearing, shall make a recommendation to the Zoning Commission for the amendment of the Housing Payment Exaction, based on a consideration of the following criteria:
  - (i) Economic trends measured in terms of development activity, commercial rents per square foot, employment growth, and inflation rates.
  - (ii) Housing trends measured in terms of vacancy rates for low and moderate income housing, and production statistics for new dwelling units.

The resulting analysis will determine the changes in the City's low and moderate income housing needs and the continuing ability of new, large-scale development to assist in meeting the housing needs of the City of Boston.

- (d) The Building Commissioner shall not issue any building or use permit with respect to any building, structure, or land within an area covered by a Project Plan, unless the Director of the Boston Redevelopment Authority has certified on the application therefor, and on each and every plan, drawing or speci-

fication filed with the Building Commissioner in connection therewith, that the same have been subject to design review, and that the same are consistent with the Authority-approved Project Plan and that the applicant has entered into an agreement with the Boston Redevelopment Authority and the Neighborhood Housing Trust, as provided in Sections 26-2(3) and 26-3(2), above.

3. The following are not Development Impact Projects and will not be subject to the Development Impact Project Requirements:
  - (a) Any building or structure for which a building or use permit is lawfully issued before notice of hearing before the Zoning Commission has first been given respecting adoption of the Development Impact Project provision, provided that construction work under such a permit is commenced within six months after its issue, and the work proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances;
  - (b) Any building or structure for which construction or permanent financing has been secured, as evidenced by an irrevocable written commitment of a lending institution or a recorded mortgage indenture, and by the borrower's bona fide payment of a loan commitment fee; or
  - (c) Any building or structure which is, or will be, wholly-owned by one or more public agencies.
- B. By striking out in subsection 6-3(d), the word "and" after the semi-colon.
- C. By striking out in subsection 6-3(e), the period after the word "use", and inserting a semi-colon in place thereof, and adding at the end, the word "and".
- D. By adding to Section 6-3, after subsection (e), the following new subsection:
  - (f) If such appeal relates to a Development Impact Project, as defined in Section 26-2, the applicant shall have complied with the Development Impact Project Requirements, set forth in Section 26-3.
- E. By striking out, in Section 6A-3, the word "and" at the end of subsection (a).
- F. By striking out, in Section 6A-3, the period at the end of subsection (b) and inserting a semi-colon in place thereof, and adding the word "and".
- G. By adding, to Section 6A-3, after subsection (b), the following new subsection:

(c) if such exception relates to a Development Impact Project, as defined in Section 26-2, the applicant shall have complied with the Development Impact Project Requirements set forth in Section 26-3.

- H. By striking out, in Section 7-3 the word "and" at the end of subsection (a) and at the end of subsection (b).
- I. By striking out in Section 7-3, the period at the end of subsection (c), and inserting a semi-colon in place thereof, and adding the word "and".
- J. By adding, to Section 7-3, after subsection (c), the following new subsection:

(d) That, if the variance is for a Development Impact Project, as defined in Section 26-2, the applicant shall have complied with the Development Impact Project Requirements, set forth in Section 26-3, except if such variance is for a deviation from said Requirements.

Richard B. Butler  
Chairman

Richard F. Battles  
Vice Chairman

William J. McNeill

Marion Rosenberg

Kenneth Green

Frederick T. Coleman

Robert Butler

Joseph W. Joyce

In Zoning Commission

Adopted December 20, 1983

Attest: Marguerite Hildebrand  
Secretary

Kim H. White  
Mayor, City of Boston

Approved as to form  
William Smith 12/28/83 - SP  
Peter Corporation Counsel.

Date: December 29, 1983

The foregoing amendment was presented to the Mayor on December 21, 1983, and was signed by him on December 29, 1983, whereupon it became effective on December 29, 1983, in accordance with the provisions of Section 3 of Chapter 665 of the Acts of 1956.

Attest: Marguerite Hildebrand  
Secretary





RECEIVED

JUN 14 1984

OFFICE OF THE CLERK

Text Amendment Application No. 98A  
Advisor to the Zoning Commission  
Insert "Mobile home," redefine  
"trailer park" as "mobile home park"

TEXT AMENDMENT NO. 74

EFFECTIVE  
June 29, 1984†

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956 as amended, after due report, notice and hearing, does hereby amend the Boston Zoning Code as follows:

1. By striking out in Section 2-1 respecting the meaning of certain words and phrases, definition number 47, "Trailer park", and inserting in place thereof the following definition:  
  
    (32B) "Mobile home park", a parking space for two or more mobile homes used as dwellings.
2. By inserting in Table A of Section 8-7, below Use Item No. 1, the following use item:  
  
    1A Mobile home on a permanent foundation and occupied by not more than one family .....C\*C\*C\*/C\*C\*/FFF  
  
    \* Except F in a flood hazard district.
3. By inserting, into Section 23-1 respecting off-street parking, and into the list of group I uses in Section 24-1, respecting off-street loading, the following Use Item Number:

1A

Andrew B. Butler

Chairman

Richard F. Battles

Vice Chairman

Robert J. Butler

Thomas Green

Richard T. Blum

Marvin Rosenberg

Joseph W. Joyce

Robert R. Mann

In Zoning Commission

Adopted June 12, 1984

Attest:

Marguerite Heidebrecht  
Secretary

Raymond L. Flynn  
Mayor, City of Boston

Date:

June 29, 1984

The foregoing amendment was presented to the Mayor on June 14, 1984, and was signed by him on June 29, 1984, whereupon it became effective on June 29, 1984, in accordance with the provisions of Section 3 of Chapter 665 of the Acts of 1956.

Attest:

Marguerite Heidebrecht  
Secretary

Text Amendment Application No. 98  
Public Facilities Department  
Mobile homes

DENIAL

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

ORDERED: That in accordance with vote taken at the meeting of the Zoning Commission of the City of Boston on June 12, 1984, Text Amendment Application No. 98, by the Director of the Public Facilities Department of the City of Boston, is hereby DENIED.

---

Explanatory Note:

Said text amendment application dealt with the same subject matter - mobile home not located in a trailer park - as Text Amendment Application No. 98A, which was approved at the same meeting.

Richard B. Foster

Chairman

Richard F. Battles

Vice Chairman

Edith Boulton

Thomas J. Brown

Robert J. Cohen

Maurice Rosenberg

Joseph W. Joyce

Robert H. Mann

In Zoning Commission

Denied June 12, 1984

Attest:

Marguerite Heldebrand  
Secretary

TEXT AMENDMENT NO. 75  
THE COMMONWEALTH OF MASSACHUSETTS

EFFECTIVE  
November 23, 1984†

CITY OF BOSTON  
ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956 as amended, after due report, notice and hearing does hereby amend the Boston Zoning Code as follows:

1. By striking out in the first paragraph of Section 3-1A, respecting special purpose overlay districts, the word "or" as it appears before item (g), and by inserting after said item (g) the following item:  

, or (h) Interim Planning Overlay District.
2. By lettering the second through eighth paragraphs of said Section 3-1A with the following letters:  

a, b, c, d, e, f and g
3. By inserting in said Section 3-1A, below the paragraph headed "Restricted Roof Structure District", the following paragraph:  

h. Interim Planning Overlay District. A district or group of districts or a subdistrict or group of subdistricts or parts thereof (hereafter referred to as an area) may be established as an Interim Planning Overlay District when it is determined by the Zoning Commission that: (1) the existing zoning is thought to be inappropriate; (2) a rezoning of the area is anticipated; (3) a comprehensive planning study preceding the anticipated rezoning is needed; and (4) interim land use regulations are essential to maintain the status quo in the area and prevent introduction of changes to the area which may be incompatible with the goals of the comprehensive planning study or anticipated rezoning. The regulations governing the Interim Planning Overlay District are set forth in Article 27.
4. By inserting after Article 26 the following article:

---

†Date of public notice: October 26, 1984 (see St. 1956, c. 665, s. 5).



## ARTICLE 27

### INTERIM PLANNING OVERLAY DISTRICT

#### SECTION 27-1. Statement of Purpose.

The Commission finds that:

- o The attributes of an evolving city make it necessary from time to time to consider rezoning of an area;
- o it is usually desirable to precede a contemplated rezoning of an area with a comprehensive planning study;
- o a reasonable period of time is required to complete such comprehensive planning study, given the need to assemble and consider adequately the necessary economic, social, physical and other information, and to hold public hearings and otherwise involve the public in the planning process;
- o the preparation, drafting, and adoption of a proposed rezoning may take a significant period of time to complete;
- o in the time period during which the comprehensive planning study and contemplated rezoning are prepared, it is essential to protect the area under review from unwise development that would frustrate the ultimate goals of the comprehensive planning process and contemplated rezoning;
- o the use of interim zoning measures to protect the integrity of an area pending completion of a comprehensive planning study and preparation of a rezoning proposal is a commonly used technique around the country.

Therefore, under the authority of Chapter 665 of the Acts of 1956 and Chapter 652 of the Acts of 1960 this article is established.

#### SECTION 27-2. Basic Regulations.

1. An Interim Planning Overlay District shall be established through text and map amendment to the Zoning Code and zoning maps.
2. An Interim Planning Overlay District may operate to suspend all or a portion of the existing underlying zoning of an area for the period during which the Interim Planning Overlay District shall be in effect.
3. An Interim Planning Overlay District shall be in effect for a specified time period, but under no circumstances may it exceed two years.

4. An Interim Planning Overlay District itself may be divided into subdistricts.
5. An Interim Planning Overlay District may be extended to a total period not to exceed two years, or may be amended or repealed, at any time prior to expiration of the specified time period, only by approval of the Zoning Commission after petition, public notice and hearing. Upon expiration of the specified time period, the Interim Planning Overlay District shall automatically dissolve.
6. An Interim Planning Overlay District may employ an Interim Planning Permit procedure to govern any or all areas of the Interim Planning Overlay District. The Interim Planning Permit system is described in Section 27-3.

SECTION 27-3. Interim Planning Procedure.

An application for an Interim Planning Permit must be filed in quadruplicate with the Inspectional Services Department, which will retain one copy and transmit the other copies within seven days as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and one to the Zoning Commission. Within ninety days of the receipt of such transmittal, the Boston Redevelopment Authority shall file with the Board of Appeal a report with recommendations together with materials, maps or plans to aid the Board of Appeal in judging the application. The Board of Appeal shall not hold a hearing or render any decision on an application for such Permit until such report with recommendations has been received and considered; provided that if no such report is received within ninety days, the Board of Appeal may hold a hearing and render a decision without such report.

The Board of Appeal shall grant such application only if it finds that the proposed action described in the application would not be incompatible with the goals of the comprehensive planning study and contemplated rezoning.

SECTION 27-4. Petition for Interim Planning Overlay District. The Boston Redevelopment Authority may petition the Zoning Commission for the designation of an Interim Planning Overlay District. Such petition must:

1. Define the physical boundaries of the Interim Planning Overlay District.
2. Describe the characteristics of the area that suggest the existing underlying zoning may not be appropriate.
3. Specify a detailed timetable with specified deadlines for conducting and completing the comprehensive planning study, and for drafting and petitioning for any rezoning of the area.

4. Specify a specific date, not to exceed two years from the effective date of an amendment establishing such district, for dissolution of the Interim Planning Overlay District.
5. State regulations to control land use in the area during the specified time period including but not limited to the following:
  - a. regulations which suspend the underlying existing zoning;
  - b. regulations governing the Interim Planning Permit, if any;
6. State explicitly which land uses and activities are subject to the provisions of the Interim Planning Overlay District, and which land uses and activities, if any, are left to be governed by the underlying existing zoning.

SECTION 27-5. Severability Clause.

The provisions of this regulation are severable, and if any such provision or provisions shall be held invalid or unconstitutional by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this regulation.

Richard B. Fowler

Chairman

Richard F. Battles

Vice Chairman

Robert B. Buel

W. R. Saul

Joseph W. Joyce

Robert R. Mean

Marvin Rosenberg

Robert T. Coleman

Thomas C. ...

In Zoning Commission

Adopted November 5, 1984

Attest:

Marguerite Thedot  
Secretary

Raymond W. Flynn  
Mayor, City of Boston

Date: November 23, 1984

The foregoing amendment was presented to the Mayor on November 8, 1984, and was signed by him on November 23, 1984, whereupon it became effective on November 23, 1984, in accordance with the provisions of Section 3 of Chapter 665 of the Acts of 1956.

Attest:

Marguerite Thedot  
Secretary





AMENDED and NEW PAGES for BOSTON ZONING CODE

Text Amendments No. 72 through No. 76\*

July 1, 1983, through April 30, 1985

These pages were incorporated in the printing of the Boston Zoning Code dated "as amended through April 30, 1985" and therefore do not need to be inserted in any copy of that printing. They are provided, in case you did not receive them previously, for any remaining copies of earlier printings that you may still have and should be inserted as replacement and new pages in such copy.

Amended

21 (no change except pagination)

32

44

66

67

68

148

149

160

161

New

168 through 178, except 175-176

Note: Pages not listed have no change; they are included as backing pages.

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\*Except pages included in the subsequent set of Amended Pages, for Text Amendments No. 77 through No. 109.





**SECTION 3-2. Interpretation of District Boundaries.** Where a district boundary is indicated on a map constituting part of this code as approximately following, or parallel to, the center line or side line of a street, highway, railroad right-of-way, or water course, such boundary shall be construed as following, or as being parallel to, such center line or side line. Where a district boundary is indicated on such a map as approximately following a lot line, such line shall be construed to be said boundary. If no distance is indicated on such a map for a district boundary running parallel to the center line or side line of a street or highway, such dimension shall be assumed to be one hundred feet from such line or, if as determined by the use of the scale shown on such map it is at least twenty feet more, or twenty feet less, than one hundred feet, it shall be as so scaled.

## **ARTICLE 4**

### **APPLICATION OF REGULATIONS**

**SECTION 4-1. Conformity of Buildings and Land.** Except as provided in Chapter 665 of the Acts of 1956 as now in force or hereafter amended or in this code, no structure or land shall be used or occupied, and no structure or part thereof shall be erected, reconstructed, extended, or altered except in conformity with the regulations specified in this code for the district in which it is located; provided, however, that nothing in this code shall prevent the strengthening or restoring to a safe condition of any portion of a structure declared unsafe by the Building Commissioner or any other board or officer authorized by law to do so.

**SECTION 4-2. Structure or Use Approved Prior to Effective Date of Code.** Nothing herein contained shall affect any structure or use for which a building or use permit is lawfully issued prior to the effective date of this code; provided, that construction work under such building permit, or occupancy under such use permit, is commenced within six months of the date of such permit and proceeds in good faith continuously so far as is reasonably practical under the circumstances; and provided further that all construction work is completed within two years from the effective date of this code and in accordance with the building permit as in effect on said effective date.

**SECTION 4-3. Building or Use Permit Required.** It shall be unlawful to use, or permit the use of, any land or structure or part thereof hereafter erected, or altered wholly or partly, or the yards or other open spaces of which are in any way reduced, until the Building Commissioner shall have certified on the building permit, or if no building permit is needed, shall have issued a use permit specifying, the use to which the land or the structure upon being sufficiently completed to comply with the provisions and regulations relating thereto, may be put.

## ARTICLE 5

### ADMINISTRATION AND PROCEDURE

**SECTION 5-1. Enforcement.** It shall be the duty of the Building Commissioner to enforce the provisions of this code.

**SECTION 5-2. Procedure for Appeal.** Every appeal to the Board of Appeal shall be in writing and on a form prescribed by said Board. Every such appeal shall refer to the specific provisions of this code involved, and shall exactly set forth the interpretation that is claimed, the conditional use for which permission is sought, or

Commissioner, who shall retain one copy for his files and transmit the other copies as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and the other to the Zoning Commission.

In each of the following cases, the Boston Redevelopment Authority shall, within thirty days after the date of such transmittal, file with the Board of Appeal a report with recommendations, together with material, maps or plans to aid the Board of Appeal in judging the appeal and determining special limitations and safeguards:

- (a) an appeal for the erection or alteration of a building to a height greater than that authorized by this code;
- (b) an appeal for a nonconforming use of land with an area of more than 20,000 square feet;
- (c) an appeal for a nonconforming use of an existing building or buildings with a gross floor area in excess of 2,000 square feet or a floor area ratio more than fifty percent greater than that permitted in the district in which it or they are located; and

(d) an appeal for a commercial or industrial use in a residential district, on a parcel of land not previously used for a commercial or industrial purpose.

In any other case, the Boston Redevelopment Authority may, within thirty days after the date of such transmittal, file with the Board of Appeal a report with recommendations in connection with the appeal for variance therein.

The Board of Appeal shall not hold a hearing nor render any decision on an appeal for a variance until such report with recommendations has been received and considered, provided that if no such report is received within said thirty days, the Board of Appeal may hold a hearing and render its decision without such report.

(‡As amended on May 26, 1970)

‡SECTION 7-3. **Conditions Required for Variance.** The Board of Appeal shall grant a variance only if it finds that all of the following conditions are met:

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	Use Item No. 16A or Use Item No. 18 .....	C	C	C*	C	C	F	F	F
	*Except F in H-2-65.								
	(‡As amended on Dec. 5, 1966, May 26, 1970, Feb. 17, 1971, Mar. 20, 1972, and Feb. 28, 1979)								
‡13A	Dormitory not accessory to a use specified in Use Item No. 16A or Use Item No. 18 .....	F	C	C*	C	C	F	F	F
	*Except F in H-2-65 and H-3-65.								
	(‡As inserted on Feb. 3, 1966, and amended on Dec. 5, 1966, May 26, 1970, Feb. 17, 1971, Mar. 20, 1972, 1972, Oct. 19, 1978, and Oct. 31, 1980)								
‡14	Fraternity or sorority house .....	F	C	C*	C	C	F	F	F
	*Except F in H-2-65, H-3-65 and H-5.								
	(‡As amended on September 16, 1965, Dec. 5, 1966, May 26, 1970, Feb. 17, 1971, March 20, 1972, Feb. 28, 1979, and Oct. 31, 1980)								



NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
‡15	Hotel; motel; apartment hotel . . . . . *Except F in H-2-65 and H-3-65. #F in L-.5 and L-1; A in L-2; C in L-2-65. (‡As amended on October 22, 1974, October 19, 1978, and October 31, 1980)	F	F	C*	#	A	F	F	F
EDUCATIONAL INSTITUTIONS									
‡16 ID	Elementary or secondary school attend- ance at which satisfies the require- ments of the compulsory education laws of the Commonwealth of Massachusetts . . . . . *Provided that no play space or park- ing area is nearer any lot line than the front yard depth required by this code for the lot, and that the require- ments of St. 1956, c. 665, s. 2, where apt, are met. #A* except C* in H-2-65 and except C* in H-3-65 if an elementary school and F in H-3-65 if a secondary school. †Subject to St. 1956, c. 665, s. 2. (‡As amended on September 7, 1967, May 26, 1970, Oct. 19, 1978, April 11, 1979, and Oct. 31, 1980)	A*	A*	#	A*	A†	C	F	C

		District								
NO.	USE ITEM	S	R	H	L	B	M	I	W	
	level is surrounded by a wall or tight fence not less than seven feet high.									
57	Outdoor storage of second-hand lumber or other used building material, junk, scrap, paper, rags, unrepaired or uncleaned containers, or other articles; storage of more than fifteen thousand gallons of flammable liquids and of more than ten thousand cubic feet of gases; wrecking and dismantling of motor vehicles . . . . .	F	F	F	F	F	F	C*	C*	
	*Provided the use is screened by a wall or tight fence not less than seven feet high.									
±57A	Outdoor storage of damaged or disabled motor vehicles . . . . .	F	F	F	F	F	C*	A*	C*	
	*Provided there is no dismantling of motor vehicles or sale of used parts on the lot.									
	(±As inserted on June 16, 1982)									

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
VEHICULAR STORAGE AND SERVICE										
‡58	Parking lot . . . . .	C*	C*	C†	C + #		A +	A +	C +	
	<p>*Provided that the parking lot abuts or is across the street from an L, B, M, I or W district and is operated by an establishment in such district exclusively for the parking of motor vehicles (other than trucks) of, and without charge to, its employees, customers and guests; and provided further, in either case, that no vehicle is parked in the front yard required by this code or within a distance equal to the side of the yard so required from any side or rear lot line adjoining a lot in an S, R or H district, that all lighting is so arranged as to shine downward and away from streets and adjoining lots, and that the parking lot is adequately screened from all streets and adjoining lots.</p> <p>†Except F in H-2-65 and H-3-65; also F unless the parking lot either is operated exclusively for the parking of</p>									

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	<p>motor vehicles (other than trucks) of persons living in the neighborhood, or abuts or is across the street from a L, B, M, I or W district and is operated by an establishment in such district exclusively for the parking of motor vehicles (other than trucks) of, and without charge to, its employees, customers and guests; and provided further, in either case, that no vehicle is parked in the front yard required by this code or within a distance equal to the side yard so required from any side or rear lot line adjoining a lot in a S, R or H district, that all lighting is so arranged as to shine downward and away from streets and adjoining lots and that the parking lot is adequately screened from all streets and adjoining lots.</p> <p>#A + in B-1 and B-2; C + in other B districts.</p> <p>+ Except C in a restricted parking district and except F in a limited parking district.</p> <p>(‡As amended on May 30, 1969, February 17, 1971, September 27, 1973, October 19, 1978, October 31, 1980, and December 30, 1983)</p>								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
‡59	Parking garage .....	F	F	C*	C†	A†	A†	A†	C†
	<p>*Provided that the parking garage is operated exclusively for the parking of motor vehicles (other than trucks) of persons living in the neighborhood except that gasoline and oil may be sold if sales thereof are limited to tenants of the garage and are completely consummated entirely within the garage.</p> <p>†Except C in a restricted parking district and except F in a limited parking district.</p> <p>(‡As amended on Sept. 27, 1973, and December 30, 1983)</p>								
‡60	Repair garage; gasoline service station; car wash .....	F	F	F	C*	C*	A	A	C
	<p>*Provided that all washing, painting, lubricating, and making of repairs is carried on inside a building and that any auto body shop, car wash, repair shop and paint shop is sufficiently</p>								

a separate lot; and if such dwelling is to the rear of another dwelling or other main building, the provisions of paragraph (c) of Section 14-5 shall also apply. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from the requirements of this section if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this section were met.

**SECTION 22-5. Two or More Other Main Buildings on One Lot.** If on one lot there are two or more main buildings other than dwellings (which phrase, as here used, shall not be construed as excluding temporary dwellings from the words "main buildings"), the yard and setback requirements of this code shall apply at each actual lot line and not as if each building were on a separate lot.

## ARTICLE 23

### OFF-STREET PARKING

‡**SECTION 23-1. Residential Uses.** No structure or land shall be used for any use listed in Table A of Section 8-7



under Use Item Nos. 1, 1A, 2, 3, 4, 5, 6, 7, 7A, 7B, 8, 9, 10, 11, 12, 13, 13A, 14 or 15, unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13-1 for the Lot is:	For Each Dwelling Unit* There Shall be Provided at Least:
0.3 or 0.5	1.0 space†
0.8 or 1.0	0.9 space†
2.0	0.7 space†
3.0	0.6 space†
4.0	0.5 space†
5.0	0.4 space†

\*Where use is not divided into dwelling units:

- (a) If sleeping rooms have accommodations for not more than two persons, each two sleeping rooms shall constitute one dwelling unit; and
- (b) If sleeping rooms have accommodations for more than two persons, each four beds shall constitute one dwelling unit.

†or, in the case of housing projects for elderly persons

of low income, 0.2 space. Housing projects for elderly persons of low income, as used herein, shall be deemed to mean such housing constructed under the Housing Authority law of the Commonwealth of Massachusetts and/or the United States Housing Act of 1937 as amended.

(‡As amended on November 26, 1965, April 14, 1967, November 9, 1978, April 11, 1979, August 10, 1979, and June 29, 1984)

‡SECTION 23-2. **Public Assembly Uses.** Except in a restricted parking district, no structure or land shall be used for any use listed in Table A of Section 8-7 under Use Item Nos. 21, 27, 28, 29, 30, 36A, 37, 38, 38A, 52, 62, 63, or 66 unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13-1 for the Lot is:	One Space shall be Provided,		
	If There Are Seats*, for Each:	If There Are No Seats, for Each:	
0.3 or 0.5	5 seats	100	} square feet of public floor area in structures
0.8 or 1.0	6 seats	120	
2.0	8 seats	160	
3.0	15 seats	300	
4.0	20 seats	400	
5.0	20 seats	400	

\*Where benches are used for seating purposes, each two lineal feet of bench shall constitute one seat.

Except that places of worship need provide no more than one half of such number of spaces.

(‡As amended on September 27, 1973 and March 5, 1975.)

‡SECTION 23-3. **Institutional Uses.** Except in a restricted parking district, no structure or land shall be used for any use listed in Table A of Section 8-7 under Use Item Nos. 16, 16A, 17, 18, 19, 20, 20A, 22, 22A, 23, 24, 25, 39A, 77 or 79, unless off-street parking facilities are provided as follows:

If the Maximum Floor Area  
Ratio Specified in Table B of  
Section 13-1 for the Lot is:

One Space Shall be Provided  
for Each:

0.3 or 0.5	600	} square feet of gross floor area
0.8 or 1.0	700	
2.0	1,000	
3.0	1,800	
4.0	2,400	
5.0	2,400	

Provided that any use under Use Item Nos. 16, 17, 18 or 19 primarily for children under sixteen need provide no more than one half of such

used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

## ARTICLE 24

### OFF-STREET LOADING

#### ‡SECTION 24-1. Off-Street Loading Bay Requirements.

No structure or land shall be used for any use unless off-street loading facilities are provided on the lot as follows:

Gross Floor Area (in square feet)	Number of Loading Bays Required		
	Group I Uses*	Group II Uses**	Group III Uses***
Under 15,000 .....	0	0	0
15,000 to 50,000 .....	0	1	1
50,000 to 100,000 .....	0	1	2
100,000 to 150,000 .....	0	2	3
150,000 to 300,000 .....	0	3	4
300,000 and over .....	0	†	#

†4 plus 1 for each additional 150,000 square feet

#5 plus 1 for each additional 150,000 square feet

\*Uses listed in Table A of Section 8-7 under Use Item Nos.

1, 1A, 2, 3, 4, 5, 6, 7, 7A, 7B, 8, 9, 10, 22A, 26, 27, 28, 31, 32, 33, 39, 39A, 40, 50, 52, 53, 58 and 59.

\*\*Uses listed in Table A of Section 8-7 under Use Item Nos.

11, 12, 13, 13A, 14, 15, 16, 16A, 17, 18, 19, 20, 20A, 21, 22, 23, 24, 25, 29, 30, 36A, 37, 38, 38A, 41, 42, 43, 44, 46, 47, 48, 49 and 51.

\*\*\*Uses listed in Table A of Section 8-7 under Use Item Nos.

34, 34A, 35, 36, 45, 54, 55, 56, 57, 60, 60A, 61, 62, 63, 64, 65, 66, 67, 68, 69 and 70.

**Mixed Uses.** If a lot by reason of a diversity of occupancies falls within more than one use group, the number of loading bays required by the occupancies within each use group shall be determined and then such numbers totalled; and off-street loading facilities with such total number of bays shall be provided.

**Pre-Code Structures.** If a structure existing when this code took effect is altered or extended so as to increase its gross floor area,

only the additional gross floor area shall be counted in computing the off-street loading bays required.

(‡As amended on April 14, 1967, April 30, 1968, August 12, 1971, July 9, 1973, March 5, 1975, October 19, 1978, November 9, 1978, August 10, 1979, January 8, 1982, and June 29, 1984)

**SECTION 24-2. Design.** All off-street loading facilities provided to comply with Section 24-1 shall meet the following specifications:

(a) Such facilities shall have bays, maneuvering areas, and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic; and all lighting shall be so arranged as to shine away from streets and residences.

(b) Such facilities, including all bays, maneuvering areas and access drives, shall be so graded, surfaced, drained and maintained as to prevent water and dust therefrom going upon any street or another lot.

(c) Each loading bay shall be located entirely on the lot



and shall be no less than ten feet in width, twenty-five feet in length, and fourteen feet in height, exclusive of maneuvering areas and access drives. Each loading bay within fifty feet of a residential district shall be enclosed in a structure if the use regularly involves night operations.

**SECTION 24-3. Maintenance.** All off-street loading facilities provided to comply with Section 24-1 shall be maintained exclusively for loading and unloading purposes so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

- g. the compatibility of the proposed use with existing and anticipated development;
- h. the relationship of the proposed use to the comprehensive plan and flood plain management program of the area;
- i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

**Procedures.** At the time a variance from item 1 or item 2 of Section 25-5 is issued, the Executive Secretary of the Board of Appeal shall notify the petitioner in writing that (1) construction permitted by said variance will be subject to increased flood insurance rates commensurate with the degree of nonconformity, and (2) construction below the base flood elevation increases risks to life and property.

The Board of Appeal shall maintain a record of all variances granted from Section 25-5, including justification for their issuance. Such variances shall be reported to the Federal Emergency Management Agency in such annual or periodic report as may be requested by the Agency.

**Exception.** A variance from the provisions of this article may be granted by the Board of Appeal, after due notice and hearing, for the reconstruction or restoration of a structure, or of a structure in a district, which is listed in the National Register of Historic Places or which has been designated by the Boston Landmarks Commission under the provisions of Chapter 772 of the Acts of 1975, even though the requirements of this section are not met.

**SECTION 25-7. Application.** The provisions of this article are not intended to repeal, amend, abrogate, annul, or interfere with any lawfully adopted statutes, ordinances, covenants, regulations, or rules. However, where this article imposes greater restrictions, the provisions of this article shall govern. (Note: The jurisdiction of the Boston Conservation Commission under Chapter 131, Section 40, of the Massachusetts General Laws includes areas not shown on the FIRM and Floodway maps.)

## ‡ARTICLE 26

### DEVELOPMENT IMPACT PROJECTS

(‡Article inserted on December 29, 1983)

**SECTION 26-1. Statement of Purpose.** The purpose of this article is to promote the public health, safety, convenience and welfare; to prevent overcrowding and deterioration of existing housing; to preserve and increase the City's housing amenities; to facilitate the adequate provision of the public requirement for low and moderate income housing; and to establish a balance between new, large-scale real estate development and the low and moderate income housing needs of the City of Boston, by provisions designed to:

1. Afford review and to regulate large-scale real estate development projects which create new jobs and attract new workers to the City of Boston.
2. Increase the availability of low and moderate income housing by requiring developers, as a condition of the grant of deviations from the Zoning Code or the grant of an amendment to the Zoning Map, to make a development impact payment to the Neighborhood Housing Trust or to contribute to the creation of low and moderate income housing.

### **SECTION 26-2. Definitions.**

1. "Development Impact Project", any development in the City of Boston in which it is proposed to erect a building or structure having a gross floor area (exclusive of all accessory parking garage space) in excess of one hundred thousand (100,000) square feet, or to enlarge or extend a building or structure so as to increase its gross floor area (exclusive of all accessory parking garage space) by more

than one hundred thousand (100,000) square feet or to substantially rehabilitate a building or structure having, or to have, after rehabilitation, a gross floor area (exclusive of all accessory parking garage space) of more than one hundred thousand (100,000) square feet; which building or structure is intended for a use for which the use item number is listed in Table C, Section 26-3, or, for a use for which the use item number is not listed if such building project will directly result in a reduction in the supply of low and moderate income dwelling units; and which development requires a variance, conditional use permit, exception or zoning map or text amendment.

2. "Development Impact Project Plan", a plan for a development which qualifies as a Development Impact Project. The Plan shall set forth the proposed location and appearance of structures, open spaces and landscaping, proposed uses of the building or buildings, densities, projected number of employees, proposed traffic circulation, parking and loading facilities, access to public transportation, proposed dimensions of structures, and may include proposed building elevations, schematic layout drawings and exterior building materials, and such other matters as the Boston Redevelopment Authority deems appropriate to its consideration of the proposed construction.
3. "Development Impact Project Exaction", the payment of a sum of money by the Project applicant, which rate of payment is set forth in Section 26-3(2), below, to the Neighborhood Housing Trust (the Housing Payment Exaction) *or* the creation, by the Project applicant, of housing units (the Housing Creation Exaction).
  - (a) The Housing Payment Exaction shall be made to the Neighborhood Housing Trust in twelve (12) equal, annual installments, the first installment due upon the issuance of a certificate of occupancy for the Project building or

twenty-four (24) months after the granting of the building permit, whichever comes first. The remaining eleven (11) payments shall be due and payable annually on the anniversary of the first payment. However, if said Neighborhood Housing Trust has not been created at the time any such Housing Payment Exaction becomes due, the Project applicant shall make the payment to the Boston Redevelopment Authority. The Boston Redevelopment Authority shall place any payments received, on account of the Housing Payment Exaction requirement in an escrow account, to be held therein for the benefit of the Trust, until such time as the Neighborhood Housing Trust is created. Any payments made by the Project applicant to the Neighborhood Housing Trust, on account of the Housing Payment Exaction requirement, shall be credited against any amounts due to said Trust on account of any neighborhood impact excise which may be assessed by the City of Boston.

- (b) The Housing Creation Exaction requirement shall be met by contributing to the creation of housing units, for occupancy exclusively by low and moderate income residents of the City, at a cost at least equal to the amount of the appropriate Housing Payment Exaction, and in conformity with written regulations to be adopted by the Boston Redevelopment Authority after public notice and hearing. The actual Housing Creation Exaction may be approved by the Authority only after public notice and hearing.
4. "Substantially rehabilitate", to cause alterations or repairs to be made, to a building or structure, within any period of twelve (12) months, costing in excess of fifty (50) percent of the physical value of the building or structure. Physical value of a building or structure shall be based on the assessed value as recorded in the assessor's office of the City of Boston.



5. "Neighborhood Housing Trust", a Massachusetts charitable trust to be created pursuant to the Special Statutes and Ordinances of the City of Boston. The Trust will administer funds received by means of the Housing Payment Exaction requirement for Development Impact Projects.
6. "Public agency", a department, agency, board, commission, authority, or other instrumentality of the Commonwealth, or of one or more political subdivision(s) of the Commonwealth, or the United States.

**SECTION 26-3. Development Impact Project Requirements.** No variance, conditional use permit, exception or zoning map or text amendment for a Development Impact Project shall be granted, allowed or adopted unless the following requirements are met:

1. The Boston Redevelopment Authority, after a public hearing, shall have approved a Development Impact Project Plan. No Plan shall be approved by the Authority unless the Authority finds that the Plan conforms to the general plan for the City as a whole and that nothing in such Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare; and
2. The person or persons making application for a variance, conditional use permit, exception, or zoning map or text amendment to erect, substantially rehabilitate, enlarge, or extend a building or structure pursuant to a Development Impact Project Plan shall also have entered into an agreement with the Boston Redevelopment Authority and the Neighborhood Housing Trust to be responsible for a Development Impact Project Exaction.
  - (a) For each use listed below, in Table C, a Housing Payment Exaction of five dollars (\$5.00) for each square foot of gross floor area in excess of one hundred thousand



(100,000) square feet, shall be required. Uses, other than accessory parking, that are ancillary or accessory to the uses listed in Table C shall also be subject to the Housing Payment Exaction.

TABLE C: DEVELOPMENT IMPACT USES

Use	Use Item Numbers
Office	39, 39A, 40, 41, 42
Retail Business and Service	30, 31, 32, 34, 34A, 35, 36, 36A, 37, 37A, 38, 38A, 43, 44, 45, 46, 47, 48, 49, 60, 60A, 61
Institutional and Educational	11, 12, 13, 13A, 14, 16, 16A, 17, 18, 19, 20, 20A, 21, 22, 22A, 23, 24, 29,
Hotel and Motel, but not including Apartment Hotel	15

- (b) For mixed-use buildings or structures in which one or more of the above uses are combined, the above requirements shall apply if the gross floor area devoted to any one or more of the said uses shall in the aggregate exceed one hundred thousand (100,000) square feet.
- (c) The Housing Payment Exaction rate for the use categories listed in Table C shall be subject to recalculation five (5) years after the effective date of this provision and every five (5) years thereafter. The Boston Redevelopment Authority, after public notice and hearing, shall make a recommendation to the Zoning Commission for the amendment of the Housing Payment Exaction, based

on a consideration of the following criteria:

- (i) Economic trends measured in terms of development activity, commercial rents per square foot, employment growth, and inflation rates.
- (ii) Housing trends measured in terms of vacancy rates for low and moderate income housing, and production statistics for new dwelling units.

The resulting analysis will determine the changes in the City's low and moderate income housing needs and the continuing ability of new, large-scale development to assist in meeting the housing needs of the City of Boston.

- (d) The Building Commissioner shall not issue any building or use permit with respect to any building, structure, or land within an area covered by a Project Plan, unless the Director of the Boston Redevelopment Authority has certified on the application therefor, and on each and every plan, drawing or specification filed with the Building Commissioner in connection therewith, that the same have been subject to design review, and that the same are consistent with the Authority-approved Project Plan and that the applicant has entered into an agreement with the Boston Redevelopment Authority and the Neighborhood Housing Trust, as provided in Sections 26-2(3) and 26-3(2), above.

- 3. The following are not Development Impact Projects and will not be subject to the Development Impact Project Requirements:

- (a) Any building or structure for which a building or use permit is lawfully issued before notice of hearing before the

Zoning Commission has first been given respecting adoption of the Development Impact Project provision, provided that construction work under such a permit is commenced within six months after its issue, and the work proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances;

- (b) Any building or structure for which construction or permanent financing has been secured, as evidenced by an irrevocable written commitment of a lending institution or a recorded mortgage indenture, and by the borrower's bona fide payment of a loan commitment fee; or
- (c) Any building or structure which is, or will be, wholly-owned by one or more public agencies.

### **SECTION 27-3. Interim Planning Procedure.**

An application for an Interim Planning Permit must be filed in quadruplicate with the Inspectional Services Department, which will retain one copy and transmit the other copies within seven days as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and one to the Zoning Commission. Within ninety days of the receipt of such transmittal, the Boston Redevelopment Authority shall file with the Board of Appeal a report with recommendations together with materials, maps or plans to aid the Board of Appeal in judging the application. The Board of Appeal shall not hold a hearing or render any decision on an application for such Permit until such report with recommendations has been received and considered; provided that if no such report is received within ninety days, the Board of Appeal may hold a hearing and render a decision without such report.

The Board of Appeal shall grant such application only if it finds that the proposed action described in the application would not be incompatible with the goals of the comprehensive planning study and contemplated rezoning.

**SECTION 27-4. Petition for Interim Planning Overlay District.** The Boston Redevelopment Authority may petition the Zoning Commission for the designation of an Interim Planning Overlay District. Such petition must:

1. Define the physical boundaries of the Interim Planning Overlay District.
2. Describe the characteristics of the area that suggest the existing underlying zoning may not be appropriate.
3. Specify a detailed timetable with specified deadlines for conducting and completing the comprehensive planning study, and for drafting and petitioning for any rezoning of the area.

4. Specify a specific date, not to exceed two years from the effective date of an amendment establishing such district, for dissolution of the Interim Planning Overlay District.
5. State regulations to control land use in the area during the specified time period including but not limited to the following:
  - a. regulations which suspend the underlying existing zoning;
  - b. regulations governing the Interim Planning Permit, if any.
6. State explicitly which land uses and activities are subject to the provisions of the Interim Planning Overlay District, and which land uses and activities, if any, are left to be governed by the underlying existing zoning.

**SECTION 27-5. Severability Clause.**

The provisions of this regulation are severable, and if any such provision or provisions shall be held invalid or unconstitutional by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this regulation.

Text Amendment Application No. 100  
Boston Redevelopment Authority  
Increase in Cost of Hearing

TEXT AMENDMENT NO 76  
THE COMMONWEALTH OF MASSACHUSETTS  
CITY OF BOSTON  
IN ZONING COMMISSION

EFFECTIVE  
April 22, 1985†

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956 as amended, after due report, notice and hearing does hereby amend the Boston Zoning Code as follows:

By striking out Section 5-4, respecting the estimated cost of a public hearing before said Commission, and inserting in place thereof the following section:

SECTION 5-4. Estimated Cost of a Hearing on a Proposed Amendment.  
The estimated average cost to the City of a hearing on a proposed amendment of this code is hereby established as two hundred and twenty five dollars.

---

†Date of public notice: March 29, 1985 (see St. 1956, c. 665, s.5).



Richard B. Fowler  
Chairman  
Robert L. Dean  
Vice Chairman  
Joseph W. Joyce  
J. W. Paul  
Robert Baker  
Thomas Green  
Reginald T. Dean  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In Zoning Commission

Adopted April 9, 1985

Attest:

Marguerite Hillbrand  
Secretary

Raymond L. Ryan  
Mayor, City of Boston

Date: April 22, 1985

The foregoing amendment was presented to the Mayor on April 16, 1985, and was signed by him on April 22, 1985, whereupon it became effective on April 22, 1985, in accordance with the provisions of Section 3 of Chapter 665 of the Acts of 1956.

Attest:

Marguerite Hillbrand  
Secretary

## AMENDED PAGES for BOSTON ZONING CODE

Text Amendments No. 77 through No. 109\*; No. 113

May 1, 1985, through July 31, 1988; October 13, 1988

These pages should be inserted in your copy of the Zoning Code as replacement and new pages and this cover sheet kept in the front of the binder as a record of the amendments incorporated in that copy.

Index Pages	Code Pages	Code Pages
A	19 (p)	86
B	20	87 (p)
C	20A	94
D	23	95
E	25	95A (p)
F	28	105
G (p)	29	114 (c)
H (p)	34	115 (p)
I	38	115a
	39 (p)	115b
	40 (p)	116
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2	40B	118 (p)
3	41	126
6	48 (c)	127
7	50	128
8	50A	129
9 (c)	51 (p)	130 (c)
12	54	136
13	57	141
15	57A	142
16	58	143 (p)
16A	59	176
17	85 (p)	179
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Notes: (c) = no change except correction of error in prior printings.

(p) = no change except in pagination.

Pages not listed have no change; they are included as backing pages.

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\*Except amendments inserting new articles.

Pages for the following will be issued separately:

Article No. / Amendment No(s).	Article No. / Amendment No(s).
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26B	81
28	84
29	88, 89, 99
30	103
	31
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Copies of amendments inserting articles establishing Interim Planning Overlay Districts may be obtained from the office of the Boston Zoning Commission. See page 179.



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## ZONING REGULATION

### ARTICLE 1

#### TITLE, PURPOSE AND SCOPE

SECTION 1-1. **Title.** This regulation shall be known and may be cited as the “Boston Zoning Code”.

SECTION 1-2. **Purpose.** The purposes of this code are hereby declared to be: to promote the health, safety, convenience, morals and welfare of the inhabitants of the City; to encourage the most appropriate use of land throughout the City; to prevent overcrowding of land; to conserve the value of land and buildings; to lessen congestion in the streets; to avoid undue concentration of population; to provide adequate light and air; to secure safety from fire, panic and other dangers; to facilitate adequate provision for transportation, water, sewerage, schools, parks and other public requirements; and to preserve and increase the amenities of the City.

SECTION 1-3. **Scope.** In their interpretation and application, the provisions of this code shall not be construed to repeal, abrogate, annul or in any way impair or interfere with the provisions of other regulations, laws or ordinances except Chapter 488 of the Acts of 1924, as amended, which is repealed on the effective date of this code, or with provisions of private restrictions placed upon property by covenant, deed or other private agreement, or with provisions of restrictive covenants running with the land to which the City is a party. Where this code imposes a greater restriction than is imposed or required by any of the aforesaid provisions, the provisions of this code shall prevail.

## ARTICLE 2

### DEFINITIONS

**SECTION 2-1. Meaning of Certain Words and Phrases.** As used in this code, the following words and phrases shall have the meanings given in the following clauses, unless a contrary intention clearly appears:

(1) "Accessory building", a structure devoted exclusively to a use accessory to a main use of the lot.

(2) "Accessory use", a use customarily incident to, and on the same lot as, a main use.

‡(2A) "Amusement game machine", a machine, apparatus, device, or mechanism, by which entertainment requiring or involving participation therein or the use of skill therein by a player or patron is furnished for profit, including, but not exclusively, video games and pinball machines, and excluding pool tables, sippio tables, billiard tables, and bowling alleys. An amusement game machine may be, but need not be, controlled by a coin, token, or slug.

(‡As inserted on June 2, 1983)

(3) "Apartment hotel", a building primarily for persons who have their residence therein, containing four or more apartments which do not have kitchens.

‡(3A) "Bank, drive-in", a bank which provides, as all or part of its services, one or more teller's windows for the use of persons while seated in motor vehicles.

(‡As inserted on November 30, 1973, and amended on April 11, 1979)

‡(3B) "Basement", that portion of a building which is partly or completely below grade (see also clause (43), "Story above grade").

(‡As inserted on September 23, 1987)

‡(3C) "Bay window", a fenestrated projection from the face of a building entirely contained within the following dimensions: (a) depth not to exceed five feet, (b) width not to exceed eighteen feet or seventy percent of the width of the building, whichever is the lesser, and (c) each side to form an angle with the face of the building of not less than one hundred thirty-five degrees. (Illustrated in Appendix 2.)

(‡As amended on February 17, 1971, November 30, 1973, and September 23, 1987)

(4) "Block", the lot or lots fronting on the same side of the same street between two streets intersecting such street on such side with no other such intersecting street intervening.

(5) "Board of Appeal", the Board of Appeal in the Building Department of the City.

‡(6) "Boarding house", any dwelling (other than a hotel, motel, apartment hotel, dormitory, fraternity or sorority house) in which board is provided to five or more persons who are not within the second degree of kinship.

(‡As amended on February 3, 1966)

(7) "Building", a structure forming a shelter for persons, animals or property and having a roof, exclusive, however, of such frameworks and tents as are customarily used exclusively for outdoor carnivals, lawn parties, or like activities. Where the context allows, the word "building" shall be construed as though followed by the words "or part thereof".

‡(7A) "Building line", the line in conformity with the alignment of existing buildings in the same block, at a distance from the street line equal to the yard depth occurring most frequently on that block, as measured by lot widths along the street line. The distance from the street line to the building line shall be calculated in accordance with the method described in Section 18-2.

(‡As inserted on April 12, 1987)

‡(8) "Building Commissioner", the Building Commissioner, or successor, including but not limited to the Commissioner of Inspectional Services, of the City.

(‡As amended on October 12, 1988)

- (9) "City", the City of Boston.
- (10) "Clinic", a place for the medical or similar examination and treatment of persons as outpatients.
- (11) "Commission", the Zoning Commission of the City.
- ‡(11A) "Dormitory", any dwelling (other than a fraternity or sorority house) occupied primarily as a place of temporary abode by persons attending educational institutions.

(‡As inserted on February 3, 1966)

- (12) "Dwelling", a building or structure used in whole or in part for human habitation.
- (13) "Dwelling, detached", a dwelling which is designed to be and is substantially separate from any other structure or structures except accessory buildings.
- (14) "Dwelling, multi-family", a building containing three or more dwelling units, but not including a motel.
- (15) "Dwelling, semi-detached", a dwelling having a party wall in common with another dwelling but which otherwise is designed to be and is substantially separate from any other structure or structures except accessory buildings.
- (16) "Dwelling unit", a room or group of rooms forming a habitable unit for one family with facilities used or intended to be used for living, sleeping, cooking and eating.



(17) "Erect", to construct or reconstruct or excavate, fill, drain, or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction, or to move a building or structure upon a lot.

(18) "Extend", to increase in area or volume.

(19) "Family", one or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit, provided that a group of five or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

(20) "Floor area ratio", the ratio of gross floor area of a structure to the total area of the lot.

‡(21) "Floor area, gross", the sum of areas of the several floors of the structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding (a) garage space which is in the basement of a building or, in the case of garage space accessory to a dwelling, is at grade, (b) basement and cellar areas devoted exclusively to uses accessory to the operation of the structure, and (c) areas elsewhere in the structure devoted to housing mechanical equipment customarily located in the basement or cellar such as heating and air conditioning equipment, plumbing, electrical equipment, laundry facilities and storage facilities, provided, however, that in an H-2-45, H-2-65, H-3-65, L-2-65 or B-3-65 district no area in an existing structure previously included in gross floor area and no area in any addition to an existing structure, except areas not used or designed to be used for human occupancy, such as attics, basements, cellars or space under sloping eaves, shall be excludable from gross floor area as area for storage facilities or laundry facilities.

(‡As amended September 27, 1973, March 5, 1980, October 31, 1980, and June 16, 1982)



‡(22) "Grade", a reference plane representing the average finished ground level adjoining the building at all exterior walls. When the finished ground level is away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

(‡As amended on September 23, 1987)

‡(22A) "Group care residence, general", premises for the residential care or supervision (but not including custodial care) of ex-alcoholics, ex-drug addicts, pre-release or post-release convicts or juveniles under seventeen years of age who are under the care of correctional agencies of the Commonwealth, but not including the residential care of mentally ill, mentally retarded, or physically handicapped persons if such care is licensed, regulated or operated by the Commonwealth of Massachusetts or operated by a vendor under contract with the Commonwealth.

(‡As inserted on November 9, 1978)

‡(22B) "Group care residence, limited", premises licensed, regulated or operated by the Commonwealth of Massachusetts or operated by a vendor under contract with the Commonwealth for the residential care or supervision in any single dwelling unit of no fewer than five nor more than twelve mentally ill, mentally retarded, or physically handicapped persons, plus resident staff.

(‡As inserted on August 10, 1979)

‡(23) "Height of building", the vertical distance from grade to the top of the highest point of the roof beams of a flat roof, or the mean level of the highest gable or slope of a hip roof, excluding roof structures and penthouses normally built above the roof not devoted to human occupancy and the total area of which does not exceed 33-1/3 percent of the roof. A mansard roof shall be considered a flat roof.

(‡As amended on July 9, 1973, and September 23, 1987)

‡(24) "Hotel", a building (other than a dormitory) containing four or more apartments without kitchens, or containing sleeping accommodations for ten or more persons, primarily the temporary abode of persons who have their residences elsewhere.

(‡As amended on February 3, 1966)

‡(24A) "Inspectional Services, or Inspectional Services Department, Commissioner of": See clause (8).

(‡As inserted on October 12, 1988)

‡(25) "Lodging house", any dwelling (other than a boarding house, dormitory, fraternity, sorority house, hotel, motel or apartment hotel) in which living space, without kitchen facilities, is let to five or more persons who are not within the second degree of kinship.

(‡As amended on February 3, 1966)

‡(26) "Lot", a parcel of land including land under water, whether or not platted, in single ownership, and not divided by a street.

(‡As amended on April 14, 1967)

(27) "Lot area", the horizontal area of the lot exclusive (a) of any area in a street or private way open to public use, and (b) of any fresh-water area more than ten feet from the shoreline, and (c) of any salt-water area below the mean high-tide line.

(28) "Lot, corner", a lot with boundaries abutting on, and meeting at the intersection of, two streets when the lines of such boundaries form within such lot at such intersection an angle of not more than 135 degrees. In the case of a curved boundary, the tangent to such curved boundary at its point of intersection with another boundary of the lot shall be deemed to be the line of such boundary for the purposes of this definition.

‡(29) "Lot, depth", the horizontal distance between the front and rear lot lines measured by the length, within the lot, of a straight line connecting the midpoint of a straight line between the foremost points of the side lot lines with the midpoint of a straight line between the rearmost points of the side lot lines.

(‡As amended on April 14, 1967)

(30) "Lot line, front", the line separating the lot from the street. The owner of a lot abutting on two or more streets may designate as the front lot line whichever of the two widest streets he chooses.

(31) "Lot line, rear", the line which most nearly qualifies as the line most distant and opposite from the front lot line; where the lot is irregularly shaped, a line perpendicular to the mean direction of the side lot lines, and at least ten feet in length within the lot.

‡(32) "Lot width", the shortest horizontal distance between the side lot lines measured perpendicular to the mean direction of two straight lines, one between the foremost and rearmost points of one side lot line, and the other between the foremost and rearmost points of the other side lot line.

(‡As amended on April 14, 1967)

‡(32A) "Mansard roof", a sloping roof having a pitch of more than sixty (60) degrees to the horizontal. The floor under a mansard roof shall be considered a story as defined in clause (42).

(‡As inserted on September 23, 1987)

‡(32B) "Mobile home", a dwelling, other than a recreational vehicle, that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation.

(‡As inserted on March 26, 1982, and amended on September 23, 1987)

‡(32C) "Mobile home park", a parking space for two or more mobile homes used as dwellings.

(‡As inserted on June 29, 1984, and amended on September 23, 1987)

(33) "Motel", a hotel primarily for transients travelling by automobile, with a parking space on the lot for each lodging unit, and with access to each such unit directly from the outside.

(34) "Nonconforming use", a use of a structure or lot that does not conform to a regulation prescribed by this code for the district in which is it located;

provided that such use was lawfully in existence on the effective date of this code or, in the case of a use made nonconforming by an amendment of this code, on the effective date of such amendment.

(35) "Occupied", shall include the words "designed, arranged, or intended to be occupied".

(36) "Parapet line", a horizontal line at the mean height of the wall of the building nearest to, and substantially parallel with, the lot line from which a setback is being measured.

(37) "Public open space", an open space in public ownership devoted or to be devoted to a public use with only minor accessory buildings, if any. No structure that exceeds twenty feet in height or two thousand square feet in gross floor area shall be considered to be a part of such public open space. "Public open space" shall be construed to include a street.

(38) "Restricted, more, and less", a use district is "more restricted" if it is listed earlier in Section 3-1 and "less restricted" if listed later in said section.

‡(38A) "Rounding numbers, rule for", when a decimal must be rounded to the nearest whole number, as in the case of off-street parking requirements, or to the nearest foot, under Section 18-2 (as most recently amended on October 22, 1974), and when the only digit dropped is .5, then if the last digit retained is an even number, it shall be left unchanged; but if the last digit retained is an odd number, it shall be increased to the next higher digit. In the case of rounding to the nearest half foot under Section 18-2 (as most recently amended on October 22, 1974), if the only digits dropped are .25, the preceding digit shall be left unchanged; but if the only digits dropped are .75, the preceding digit shall be raised to the next higher number.

(‡As inserted on November 27, 1974)

‡(38B) "Row house", one of a group of three or more houses sharing a common or party wall on one or both side lot lines.

(‡As inserted on July 9, 1973, and November 27, 1974)



‡(38C) "School", buildings, premises and parts thereof in which a regular course of public or private instruction is given.

(‡As inserted on April 11, 1979)

(39) "Shall", shall be considered mandatory and not directory.

‡(40) "Sign", any structure, device, light, letter, word, model, banner, pennant, insignia, trade flag, or representation which is designed to be seen from outside a building and which advertises or announces a use conducted or goods, products, services or facilities available, including electric signs in windows or doors, but excluding window displays of merchandise and signs incidental to the display of merchandise.

(‡As amended on December 18, 1972)

(41) "Sign, area of":

- (a) For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
- (b) For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background of a different color than the natural color of the building.

‡(c) Where the sign consists of individual letters or symbols attached to or painted on a surface, building, canopy, awning, wall or window, the area shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all of the letters or symbols.

(‡As amended on December 18, 1972)

‡(d) Only one face of a two-faced sign shall be counted in computing the area of a sign, or the total area of signs on a sign frontage or on a lot.

(‡As inserted on December 18, 1972, and amended on June 7, 1974)

‡(41A) "Sign, awning", a sign on or attached to a temporary retractable shelter which is supported entirely from the exterior wall of a building.

‡(41B) "Sign, canopy", a sign on or attached to a permanent overhanging shelter which projects from the face of a building and is supported only partially by said building.

‡(41C) "Sign design, comprehensive", a plan submitted to the Urban Design Department of the Boston Redevelopment Authority for signs and related architectural features on a sign frontage, a building front or a group of buildings.

‡(41D) "Sign frontage", the length along a ground floor building front, facing a street or a private way accessible from a street, which is occupied by a separate and distinct use, as



defined by Article 8; the length along a ground floor building side facing a street, which is occupied by a separate and distinct use or by the same use which occupies the front of said building.

(‡As inserted on April 11, 1973)

‡(41E) "Sign, marquee", a sign on or attached to a permanent overhanging shelter which projects from the face of a building and is entirely supported by said building.

(‡As inserted on April 11, 1973)

‡(41F) "Sign, off-premise", a sign which advertises or announces a use conducted or goods available elsewhere than on the lot on which the sign is located.

(‡As inserted on April 11, 1973)

‡(41G) "Sign, on-premise", a sign which advertises or announces a use conducted or goods available on the lot on which the sign is located.

(‡As inserted on April 11, 1973)

‡(42) "Story", that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above, excluding roof structures and penthouses normally built above the roof not devoted to human occupancy and the total area of which does not exceed 33-1/3 percent of the roof below.

(‡As amended on September 23, 1987)

‡(43) "Story above grade", any story having finished floor surface entirely above grade except that a basement shall be considered a story above grade if the finished surface of the floor above the basement is more than six (6) feet above grade for more than fifty (50) percent of the total perimeter of the floor surface or more than twelve (12) feet above grade at any point.

(‡As inserted on September 23, 1987)

‡(43A) "Story, first", the lowest story above grade (see clause (43), "Story above grade").

(‡As amended on September 23, 1987)

‡(43B) "Story, half", a story used or designed to be used for human occupancy that has a floor area measured four (4) feet vertically from the floor of not more than one-half ( $1/2$ ) the area of the floor next below and in which the ceiling area or plane, measured at a height of seven and one-third ( $7-1/3$ ) feet above the floor, is a minimum of one-third ( $1/3$ ) the area of the floor.

(‡As inserted on September 23, 1987)

(44) "Street", a public way, alley, lane, court, sidewalk and such parts of public squares and public places as form travelled parts of highways.

(45) "Street line", the line separating a street from a lot.

(46) "Structure", a combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole, or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part thereof".

(47) ("Trailer park", deleted June 29, 1984; see 32B "Mobile home park".)

‡(48) "Usable open space", space suitable for recreation, swimming pool, tennis court, gardens, or household service activities, such as clothes drying. Such space must be at least seventy-five percent open to the sky, free of automotive traffic, parking, and undue hazard, and readily accessible by all those for whom it is required.

(‡As amended on April 14, 1967)

(49) "Use", as a verb, shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented or leased to be used".

(50) "Yard, front", an open space extending across the full width of the lot and lying between the front lot line and the nearest building.

(51) "Yard, rear", an open space immediately behind the rearmost main building on the lot and extending across the full width of the lot.

(52) "Yard, side", an open space along the side line of a lot, extending from the front yard line to the rear yard line; in the case of a side yard abutting on a street, extending to the rear lot line.

‡SECTION 2-2. **Other Words and Phrases.** Words and phrases not defined in Section 2-1 but defined in the Commonwealth of Massachusetts State Building Code shall have the meanings given in the Commonwealth of Massachusetts State Building Code unless a contrary intention clearly appears.

(‡As amended on April 11, 1979)

SECTION 2-3. **Rules of Construction.** Words importing the singular shall include the plural; and words importing the plural shall include the singular.

## ARTICLE 3

### ESTABLISHMENT OF ZONING DISTRICTS

±SECTION 3-1. **Division of City Into Districts.** For the purposes of this code, the City is hereby divided into districts as follows: three classes of residential districts: S (single family), R (general), and H (apartment); two classes of business districts: L (local) and B (general); three classes of industrial districts: M (restricted manufacturing), I (general), and W (waterfront); and one class of open space district: OS (open space). Land in private ownership shall not be included in the open space class of district without the written consent of the owner.

Each of the residential, business, and industrial classes is further subdivided into subdistricts, which are identified by a number specifying the maximum allowed floor area ratio and some of which have a second number specifying a height limit. The open space district may be divided into open space subdistricts in accordance with the provisions of Article 33.

#### (a) Residential Districts

S-.3	}	Single Family
S-.5		
R-.5	}	General
R-.8		
H-1-40	}	Apartment
H-1-50		
H-1		
H-2-45		
H-2-65		
H-2		
H-3-55		
H-3-65		
H-3		
H-4		
H-5-55		
H-5		

## (b) Business Districts

L-5	}	Local
L-1		
L-2-55		
L-2-65		
L-2		
B-1	}	General
B-2-55		
B-2		
B-3-65		
B-4		
B-6-90a		
B-6-90b		
B-8-55		
B-8-120a		
B-8-120b		
B-8-120c		
B-8		
B-10		

## (c) Industrial Districts

M-1	}	Restricted Manufacturing
M-2-55		
M-2		
M-4		
M-8		

I-2	General Industrial
W-1	Waterfront Service
W-2	Waterfront Industrial



## (d) Open Space Districts

OS	Open Space
OS-A	Air-Right
OS-CM	Cemetery
OS-G	Community Garden
OS-P	Parkland
OS-RC	Recreation
OS-SL	Shoreland
OS-UP	Urban Plaza
OS-UW	Urban Wild
OS-WA	Waterfront Access Area

The boundaries of residential, industrial, and business districts are established as shown on a series of maps entitled "Zoning Districts City of Boston", dated August 15, 1962, on file in the office of the City Clerk, which maps, with all explanatory matter thereon, and all maps which, by amendment of this code, may be substituted therefor or made supplemental thereto shall be deemed to be, and are hereby made, a part of this code.

The locations of open space districts shall be identified and designated by map or text amendment of this code. Notwithstanding that the site of a designated open space district appears to be in a residential, business, or industrial district on any map numbered 1 through 12 in the series of maps entitled "Zoning Districts City of Boston", such site is in an open space district.

(‡As amended on February 17, 1971, March 20 and May 26, 1972, July 9 and September 27, 1973, October 22, 1974, February 28, 1979, October 22, 1974, February 28, 1979, October 31, 1980, June 16, 1982, June 24, 1985, April 2, 1987, and January 4, March 8, and October 12, 1988)





‡SECTION 3-1A. **Special Purpose Overlay Districts.** A subdistrict or part thereof or a contiguous group of subdistricts or parts thereof may be designated as a special purpose overlay district as follows: (a) planned development area (distinguished by the addition of the letter "D" to the designation of the subdistrict or subdistricts); (b) urban renewal area (distinguished by the addition of the letter "U" to the designation of the subdistrict or subdistricts); (c) restricted and limited parking districts; (d) adult entertainment district (distinguished by the addition of the letter "E" to the designation of the subdistrict or subdistricts); (e) flood hazard district; (f) institutional district; (g) restricted roof structure district (distinguished by the addition of an asterisk to the designation of the subdistrict or subdistricts); (h) interim planning overlay district; (i) limited height district (distinguished by the addition of a second numerical suffix added to the basic district designation); (j) greenbelt protection overlay district; or (k) density limitation district. In an overlay district the regulations specified for the base subdistrict or subdistricts shall apply, insofar as they are not in conflict with special regulations specified for a particular overlay district.

(‡This section, inserted March 24, 1977, incorporates districts formerly described in Section 3-1. The first paragraph was subsequently amended on June 8, 1977, August 20, 1981, December 30, 1983, November 23, 1984, June 24, 1985, June 1 and September 23, 1987, and October 12, 1988)

‡a. **Planned Development Areas.\*** The whole or any part of a subdistrict may be established as a planned development area if such area contains not less than one acre and the commission has received from the Boston Redevelopment Authority, and has approved, a development plan or, if the area contains not less than five acres and is not located in a residential zoning district, a master plan for the development of the planned development area. Before transmittal to the commission, such development plan or master plan shall have been approved by said Authority after a public hearing, provided, however, that no development plan or master plan shall be approved by said Authority unless said Authority finds that such plan conforms to the general plan for the city as a whole and that nothing in

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\* None of the changes to this code adopted in Text Amendment No. 94, effective September 23, 1987, shall apply to any site or project for which application for approval of a development plan or master plan has been submitted to the Boston Redevelopment Authority pursuant to Section 3-1A.a prior to July 22, 1987, provided that a development plan or master plan has been or is hereafter approved by the Boston Redevelopment Authority pursuant to such application, whether or not such application or such development plan or master plan is thereafter modified or amended.

such plan will be injurious to the neighborhood or otherwise detrimental to the public welfare. A development plan shall set forth the proposed location and appearance of structures, open spaces and landscaping, proposed uses of the area, densities, proposed traffic circulation, parking and loading facilities, access to public transportation, proposed dimensions of structures, and may include proposed building elevations, schematic layout drawings and exterior building materials, and such other matters as said Authority deems appropriate to its consideration of the proposed development of the area.

If the area contains not less than 5 acres and is not located in a residential zoning district, a master plan may be submitted setting forth only a statement of the development concept, including the planning objectives and character of the development, the proposed uses of the area, the range of dimensional requirements contemplated for each of the proposed uses, the proposed phasing of construction of the development and such of the other items set forth above as said Authority may request in order to make its required finding. No work shall proceed in any planned development area established by the commission on the basis of an approved master plan until a development plan for the area, or portion thereof in which work is to proceed, conforming to the foregoing requirements has been approved by the Authority and the commission, in each case after a public hearing.

To insure that no work proceeds other than in accordance with an approved development plan, no structure shall be erected, reconstructed, or structurally changed or extended in a planned development area, whether or not a master plan has been approved for such area, unless all drawings and specifications therefor shall have been subjected to design review and approved by said Authority. The Building Commissioner shall not issue any building or use permit with respect to any building, structure, or land within a planned development area unless the Director of said Authority has certified on the application therefor and on each and every plan filed with the Building Commissioner in connection therewith that the same is consistent with the development plan for such planned development area or the portion thereof to which said permit relates. Except as otherwise provided in Article 6A, planned development areas shall be subject to all the provisions of this code applicable to the subdistrict in which the area is located.

(As inserted on July 2, 1968, and amended on December 29, 1982, and September 23, 1987)

**‡b. Urban Renewal Areas.** Upon application from the Boston Redevelopment Authority, the whole or any part of a subdistrict may be established as an urban renewal area if all land within such urban renewal area is the site of or for a low rent housing project, or a housing project for elderly persons of low income, or consists solely of land, including land under water, with respect to which an agreement has been entered into with said Authority establishing use and dimensional controls as specified in a land assembly and redevelopment, or urban renewal plan, as defined in Chapter 121 of the General Laws. Section 13-1 (except the maximum floor area ratio specified in Table B thereof), Sections 13-2 and 13-4, and Articles 14, 16, 17, 18, 19, 20, 21, and 22 shall not apply to urban renewal areas; but except as otherwise provided in Article 6A, urban renewal areas shall be subject to all other provisions of this code applicable to the subdistrict in which the area is located.

(‡As inserted on September 7, 1967, and amended on July 2, 1968, and November 23, 1984)

**‡c. Restricted and Limited Parking Districts.** In a restricted parking district, off-street parking facilities, including parking lots, parking garages, and parking accessory or ancillary to any use other than Use Items numbered 1 through 15, shall be conditional uses which may be granted only in conformance with the provisions of Section 6-3A as well as Sections 6-2, 6-3 and 6-4.

(‡As inserted on September 27, 1973, and amended on December 30, 1983, and November 23, 1984)

‡In a limited parking district, Use Item Nos. 58 and 59, parking lot and parking garage, shall be forbidden uses. (Note: These restrictions are not applicable to land of agencies or authorities of the Commonwealth of Massachusetts or the United States of America that are not subject to municipal zoning.)

(‡As inserted on December 30, 1983)

**‡d. Adult Entertainment District.** An adult entertainment district is an overlay district in which Use Items No. 34A and 38A (adult books and adult entertainment) are allowed, and in which the prohibition of moving or flashing signs in Section 11-2 does not apply.

(‡As inserted on November 2, 1974, and amended on November 24, 1984)

**‡e. Flood Hazard Districts.** The location of and regulations for flood hazard districts are set forth in Article 25 of this code.

(‡As inserted on March 24, 1977)



**‡f. Institutional District.** Notwithstanding the provisions of Table A of Section 8-7, in an institutional district the following uses are conditional uses in instances where they would otherwise be allowed under said Table A: any use listed under Use Item No. 16, 17, 20, 22A, 28, 29, or 30. Use Item No. 72, accessory parking, shall be a conditional use if the main use to which it is accessory is in existence at the time that new or additional parking spaces are applied for and if such main use is a use listed under Use Item No. 11, 12, 13, 13A, 14, 16, 16A, 17, 18, 19, 20, 22A, 28, 29, or 30.

(‡As inserted on June 8, 1977)

**‡g. Restricted Roof Structure Districts:** All or part of a subdistrict that is characterized by groups of buildings with identical or similar heights within such groups may be designated as a restricted roof structure district, the regulations for which are set forth in Section 16-8.

(‡As inserted on August 20, 1981)

**‡h. Interim Planning Overlay District.** A district or group of districts or a subdistrict or group of subdistricts or parts thereof (hereafter referred to as an area) may be established as an interim planning overlay district when it is determined by the Zoning Commission that: (1) the existing zoning is thought to be inappropriate; (2) a rezoning of the area is anticipated; (3) a comprehensive planning study preceding the anticipated rezoning is needed; and (4) interim land use regulations are essential to maintain the status quo in the area and prevent introduction of changes to the area which may be incompatible with the goals of the comprehensive planning study or anticipated rezoning. The regulations governing the interim planning overlay district are set forth in Article 27.

(‡As inserted on November 23, 1984)

**‡i. Limited Height Districts.** A limited height district may be established by map amendment which adds to the basic subdistrict designation or designations a numerical suffix indicating the maximum height in feet for buildings in such district. When such limited height district designation does not appear in the first column of Table B of Section 13-1, the dimensional requirements of such district shall be as specified in said Table B for the base district, except that the maximum height of buildings shall be as specified by such suffix.

(‡As inserted on June 24, 1985)

‡j. **Greenbelt Protection Overlay District.** An area along a Greenbelt Roadway may be established as a Greenbelt Protection Overlay District when the Zoning Commission determines that this designation is necessary to promote the purposes stated in Section 29-1. The requirements and regulations for Greenbelt Protection Overlay Districts are set forth in Article 29.

(‡As inserted on June 1, 1987)

‡k. **Density Limitation District.** All or part of a subdistrict that is characterized by groups of residential buildings with similar heights within such groups may be designated as a density limitation district, the regulations for which are set forth in Use Items No. 8 and No. 8A of Table A in Section 8-7. For purposes of this section, usable interior living area is the area of a dwelling unit in a structure as measured by the interior faces of the walls of the unit, but excluding therefrom areas excluded from gross floor area as defined by Section 2-1(21), but also excluding any open space or open or enclosed porches, balconies or decks.

(‡As inserted on September 23, 1987)

‡SECTION 3-1B. **Neighborhood District.** A district or group of districts or a subdistrict or group of subdistricts or parts thereof (hereafter referred to as an area) may be designated as a neighborhood district after a planning study of the area has been conducted. The regulations governing any such neighborhood district are set forth in an article of this code pertaining to such district. The boundaries of any such neighborhood district are shown on the "Zoning Districts City of Boston" maps, as amended, or supplements thereto. A subdistrict or subdistricts within a neighborhood district are distinguished on such maps or supplements by the addition of the letter "N" to the designation of such subdistrict or subdistricts.

(‡As inserted on July 15, 1988)





the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

A copy of every decision of the Board of Appeal on a matter on which the Boston Redevelopment Authority has filed a report shall be transmitted by said Board to said Authority.

**SECTION 5-3. Limitation on Appeal.** If an appeal for an interpretation, conditional use, or variance is decided by the Board of Appeal adversely to the appellant, no appeal for the same interpretation, conditional use, or variance shall be considered on its merits by said Board within one year after such adverse decision, except with the concurring vote of not less than four-fifths of the members of said Board.

‡**SECTION 5-4. Estimated Cost of a Hearing on a Proposed Amendment.** The estimated average cost to the City of a hearing on a proposed amendment of this code is hereby established as two hundred and twenty-five dollars.

(‡As amended on May 26, 1970, August 18, 1980, and April 22, 1985)

‡**SECTION 5-5. Authorization of Commissioner of Inspectional Services Department to Hold Permit Application in Pending Status.** If the Zoning Commission gives public notice of an amendment to this code proposing a change in or addition to its provisions, either in its text or in its maps, which may affect a permit application then in process before the Commissioner of the Inspectional Services Department, the Commissioner may hold such application in a pending status until the date by which the Zoning Commission according to its own procedural rules and regulations must decide to either adopt or reject the proposed amendment or until the effective date of a decision by the Zoning Commission on the proposed amendment which originally allowed the Commissioner to hold such application in a pending status, whichever occurs first; provided that the Commissioner may act on the application if the application meets the more restrictive or additional provisions, or if the Zoning Commission fails to act on the first proposed zoning change affecting a permit application within the time period established by its own rules and regulations.

(‡As inserted on July 27, 1987)

## ARTICLE 6

### CONDITIONAL USES

‡SECTION 6-1. **Permit for Conditional Uses.** As provided for in Section 10 of Chapter 665 of the Acts of 1956, as now in force or hereafter amended, and in Section 8-3 of this code, and subject to the provisions of Sections 6-2, 6-3, 6-3A and 6-4, the Board of Appeal may, in a specific case after public notice and hearing, grant permission for a use specified in Table A of Section 8-7 as a conditional use; provided, however, that such permission shall lapse and become null and void unless such conditional use is commenced within two years after the record of said Board's proceedings pertaining thereto is filed in the office of the Building Commissioner pursuant to Section 8 of said Chapter 665.

(‡As amended on September 27, 1973)

‡SECTION 6-2. **Procedure for Appeal.** Each appeal for a conditional use shall be filed in quadruplicate with the Building Commissioner, who shall retain one copy for his files and transmit the other copies as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and the other to the Zoning Commission. The Boston Redevelopment Authority shall, within thirty days after the date of such transmittal, file with the Board of Appeal a report with recommendations, together with material, maps or plans to aid the Board of Appeal in judging the appeal

and determining special conditions and safeguards. The Board of Appeal shall not hold a hearing nor render any decision on an appeal for a conditional use until such report with recommendations has been received and considered, provided that if no such report is received within said thirty days, the Board of Appeal may hold a hearing and render its decision without such report.

(‡As amended on May 26, 1970)

‡SECTION 6-3. **Conditions Required for Approval.** The Board of Appeal shall grant any such appeal only if it finds that all of the following conditions are met:

- (a) the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use under Section 9-2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted;
- (b) the use will not adversely affect the neighborhood;
- (c) there will be no serious hazard to vehicles or pedestrians from the use;
- (d) no nuisance will be created by the use;
- (e) adequate and appropriate facilities will be provided for the proper operation of the use; and
- (f) if such appeal relates to a Development Impact Project, as defined in Section 26-2, 26A-2 or 26B-2, the applicant shall have complied with the Development Impact Project Requirements, set forth in Section 26-3 or 26A-3 and in Section 26B-3;
- (g) if such appeal relates to a Proposed Project in an area designated a Greenbelt Protection Overlay District as defined in Section 29-2, the Applicant shall have complied with the requirements set forth in Section 29-3 and the standards set forth in Section 29-5.

(‡As amended on December 29, 1983, February 27, 1986, and June 1, 1987)

**‡SECTION 6-3A. Additional Conditions Required for Approval of Parking Facilities in a Restricted Parking District.**

In a restricted parking district, the Board of Appeal shall grant a conditional use for an off-street parking facility, whether a parking lot, a public garage, or parking which is accessory or ancillary to any use other than Use Items numbered 1 through 15, only if the Board of Appeal finds that said facility meets one or more of the following conditions:

- a. It will serve a traffic demand not adequately provided for by public transportation; or
- b. It will replace existing off-street parking spaces in one or more nearby parking facilities, or it will replace legal on-street parking spaces that have been physically eliminated through permanent modification or demolition; or
- c. It is accessory or ancillary to a use which by its nature does not contribute significantly to traffic flows during peak traffic periods; or
- d. The facility constitutes a temporary parking lot use of land and that serious intent to reuse the land for an allowed use within a specified period of time has been demonstrated to the satisfaction of the Board of Appeal.

(‡As inserted on September 27, 1973, and amended on September 2, 1976)

**SECTION 6-4. Other Conditions Necessary as Protection.**

In approving a conditional use, the Board of Appeal may attach such conditions and safeguards as it deems necessary to assure harmony with the general purposes and intent of this code, such as, but not limited to, the following:

- (a) requirement of front, side, and rear yards greater than the minimum required by this code;
- (b) requirement of screening of parking areas and other parts of the lot from adjoining lots or from the street, by walls, fences, planting, or other devices;



- (c) modification of the exterior features or appearance of the structure;
- (d) limitation of size, number of occupants, method and time of operation, and extent of facilities;
- (e) regulation of number, design, and location of access drives and other traffic features; and
- (f) requirement of off-street parking and other special features beyond the minimum required by this or other applicable codes or regulations.

‡SECTION 6-5. **Effect of Non-Use of Conditional Use.** If a structure or land is being lawfully used for a conditional use, whether lawfully existing on the date of this code, made conditional by amendment thereof, or granted by the Board of Appeal under Sections 1 through 4 of this article, in order not to unduly prolong the life of such conditional use, subsequent non-use of such conditional use for a period of twenty-four consecutive calendar months shall terminate the right to use such structure or land for such conditional use. For purposes of this section, whenever a structure or land is not being actively used for such conditional use, there shall be deemed to be a non-use of such conditional use.

(‡Inserted on May 13, 1976)

Historical note: Former Section 6-5 entitled Exceptional Relief within Urban Renewal Areas and Public Housing Projects was inserted on September 7, 1967, and repealed on July 2, 1968.



‡ARTICLE 6A

OTHER EXCEPTIONS

(‡Article inserted on April 30, 1968)

‡SECTION 6A-1. **Authorization for Exceptions in Planned Development and Urban Renewal Areas, to Setback of Parapet Requirements in B-6-90a, B-6-90b, B-8-120a, and B-8-120c Districts, and to the Requirements of Section 16-6(f) in a B-8-120c District.** As provided for in Section 10 of Chapter 665 of the Acts of 1956, as now in force or hereafter amended, and subject to the provisions of Sections 6A-2, 6A-3 and 6A-4, the Board of Appeal may, in a specific case after public notice and hearing, allow an exception from the provisions of this code. Such exception shall lapse and become null and void unless (a) such exception is used within two years after the record of said Board's proceedings pertaining thereto is filed with the Building Commissioner pursuant to Section 8 of said Chapter 665, or (b) such exception relates to work in a planned development area of not less than 5 acres, or to the use thereof, and within such two year period the Boston Redevelopment Authority files with the Building Commissioner a certificate that work within said planned development area has been commenced and is diligently proceeding in which case such exception shall not lapse unless thereafter said Authority files with the Building Commissioner a certificate that such work is not diligently proceeding.

(‡As amended on December 29, 1982, and April 2, 1987)

‡SECTION 6A-2. **Procedure for Appeal.** Each appeal for an exception shall be filed in quadruplicate with the Building Commissioner, who shall retain one copy for his files and transmit the other copies as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and the other to the Zoning Commission. Said Authority shall, within thirty days after the date of such transmittal, file with the Board of Appeal a report with recommendations, together with material, maps, or plans to aid the Board of Appeal in judging the appeal and determining what conditions and safeguards may be necessary or appropriate. The Board of Appeal shall not hold a hearing nor render a decision on an appeal

for an exception until such report with recommendations has been received and considered, provided that if no such report is received within said thirty days, the Board of Appeal may hold a hearing and render its decision without such report.

(‡As amended on May 26, 1970)

‡SECTION 6A-3. **Conditions Required for Exception.** The Board of Appeal shall allow an exception only if it finds:

- (a) That such exception is in harmony with the general purpose and intent of this code;
- (b) The exception requested is in conformity with (i) the development plan for the planned development area or (ii) the land assembly and redevelopment or urban renewal plan, or the low rent housing project or housing project for elderly persons of low income for the urban renewal area, and such conformity has been certified to by the Boston Redevelopment Authority; or if the exception relates to a setback of parapet requirement in a B-6-90a, B-6-90b, B-8-120a, or B-8-120c district, the Boston Redevelopment Authority has certified to the Board of Appeal that the proposed project has been subject to design review; and
- (c) If such exception relates to a Development Impact Project, as defined in Section 26-2, 26A-2 or 26B-2, the applicant shall have complied with the Development Impact Project Requirements set forth in Section 26-3 or 26A-3 and in Section 26B-3.

(‡As amended on December 29, 1983, February 27, 1986, and April 2, 1987)

**SECTION 6A-4. Other Conditions Necessary as Protection.** In allowing an exception, the Board of Appeal may attach such conditions and safeguards as it deems necessary to insure harmony with the general purposes and intent of this code.

## ARTICLE 7

### VARIANCES

**SECTION 7-1. Authorization for Variance.** As provided for in Section 9 of Chapter 665 of the Acts of 1956, as now in force or hereafter amended, and subject to the provisions of Sections 7-2, 7-3 and 7-4, the Board of Appeal may, in a specific case after public notice and hearing, grant a variance from the terms of this code; provided, however, that such grant shall lapse and become null and void unless such variance is used within two years after the record of said Board's proceedings pertaining thereto is filed in the office of the Building Commissioner pursuant to Section 8 of said Chapter 665.

**§SECTION 7-2. Procedure for Appeal.** Each appeal for a variance shall be filed in quadruplicate with the Building

(a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness, or shape of the lot, or exceptional topographical conditions thereof) which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this code would deprive the appellant of the reasonable use of such land or structure;

(b) That, for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose;

(c) That the granting of the variance will be in harmony with the general purpose and intent of this code, and

will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

- (d) That, if the variance is for a Development Impact Project, as defined in Section 26-2, 26A-2 or 26B-2, the applicant shall have complied with the Development Impact Project Requirements, set forth in Section 26-3 or 26A-3 and in Section 26B-3, except if such variance is for a deviation from said requirements.

In determining its findings, the Board of Appeal shall take into account: (1) the number of persons residing or working upon such land or in such structure; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood.

(‡As amended on December 29, 1983, and February 27, 1986)

‡SECTION 7-4. **Other Conditions Necessary as Protection.** In approving a variance, the Board of Appeal may attach such conditions and safeguards as it deems necessary to assure harmony with the general purposes and intent of this code, such as, but not limited to, the following:

- (a) a requirement of front, side, and rear yards greater than the minimum required by this code;
- (b) requirement of screening of parking areas and other parts of the lot from adjoining lots or from the street by walls, fences, planting, or other devices;



**SECTION 8-4. Forbidden Uses.** No land or structure in any district shall be erected, used, or arranged or designed to be used, in whole or in part, for any use specified in the use item column of Table A of Section 8-7 if the letter "F" is set against such use in the column headed by the designation of such district, except for such nonconforming uses as may be allowed to be continued under the provisions of Article 9.

**SECTION 8-5. Uses Subject to Other Regulations.** Allowed and conditional uses shall be subject, in addition to use regulations of height, area, yard, setback, lot size and area, lot width, and building bulk, to such provisions for off-street parking and loading, and to such other provisions as are specified in other sections of this code.

‡**SECTION 8-6. Pre-Existing Conditional Uses.** Any use existing on the effective date of this code which this code classifies as a conditional use in the district in which the land occupied by the use is located, and also any use existing on the effective date of any amendment of this code which such amendment so classifies, shall be deemed to have been authorized as a conditional use subject to maintaining the character and extent of operations and structures existing on the effective date of this code or of such amendment, as the case may be. Any application for a change in use or an increase in the area devoted to such use shall be subject to the provisions of Article 6, but no conditional use permit shall be required for the replacement of gross floor area lost by fire or other casualty.

(‡As amended on January 8, 1982)



‡SECTION 8-7. **Use Regulations.** No land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, except in conformity with the following table or as otherwise provided in regulations pertaining to a special purpose overlay district or a neighborhood district:

TABLE A: USE REGULATIONS

**Key:**

Residential	Business	Industrial	Open Space	Status
S = Single	L = Local	M = Restricted	OS* = Open	A = Allowed
R = General	B = General	I = General	Space	C = Conditional
H = Apartment		W = Waterfront		F = Forbidden

See Section 3-1 for further explanation of the above districts.

For a district or subdistrict with the letter "N" added to its designation, see the article of this code pertaining to the neighborhood district within which such district or subdistrict lies.

ID = Institutional District. See Section 3-1A for specific regulations.

\*OS districts are not included in the table below. All uses except Use Items No. 27 and 27A are forbidden in OS districts. Use Item No. 27 is allowed and Use Item No. 27A is conditional in OS districts, subject to the provisions of Article 33 of this code and of St. 1956, c. 665, s. 2, as amended.

(‡As amended on April 11, 1979, and January 4 and July 15, 1988)

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	SINGLE FAMILY DWELLINGS								
1	Detached dwelling, occupied by not more than one family . . . . .	A	A	A	A	A	F	F	F

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
‡1A	Mobile home on a permanent foundation and occupied by not more than one family . . . . .	C*	C*	C*	C*	C*	F	F	F
	*Except F in a flood hazard district.								
	(‡As inserted on June 29, 1984)								
2	Semi-detached dwelling occupied by not more than one family on each side of a party wall . . . . .	F	A	A	A	A	F	F	F
3	Attached or row house occupied by not more than one family in each structure between fire walls . . . . .	F	A	A	A	A	F	F	F
TWO-FAMILY DWELLINGS									
4	Detached dwelling occupied by not more than two families . . . . .	F	A	A	A	A	F	F	F
5	Semi-detached dwelling occupied by not more than two families on each side of a party wall . . . . .	F	A	A	A	A	F	F	F
6	Attached or row house occupied by not more than two families in each structure between fire walls . . . . .	F	A	A	A	A	F	F	F

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
MULTI-FAMILY DWELLINGS									
7	Building or group of buildings for occupancy by three or more families in separate dwelling units including apartment hotel without accessory uses specified in Use Item No. 78 . . . . .	F	#	A	A	A	C	F	C
# F in R-.5; A in R-.8.									
GROUP CARE RESIDENCES									
‡7A	Group care residence, general, as defined in Section 2-1, clause 22A . . . . .	C	C	C	C	C	C	F	F
(‡As inserted on November 9, 1978)									
‡7B	Group care residence, limited, as defined by clause 22B of Section 2-1 . . . . .	A*	A*	A*	A*	A*	C	C	F
*Provided that (1) no limited group care residence is within 1,000 feet of another limited group care residence and (2) a cooperation agreement exists relating to the location and operation of such facilities between the Boston Redevelopment Authority, the City of Boston and the agency of the Commonwealth operating, licensing or regulating such facilities; otherwise C.									
(‡As inserted on August 10, 1979)									

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	CONVERSION OF DWELLING STRUCTURES								
‡8	Any dwelling converted for more families in separate dwelling units . . . . .	F	A* C†	A* C†	A* C†	A* C†	C†	F	C†
	<p>*Where structures after conversion will conform to this code; provided that, in a density limitation district, the maximum number of dwelling units with usable interior living area of (1) less than 750 square feet, in a building having a gross floor area of 2,000 or more square feet, or (2) less than 525 square feet, in a building having a gross floor area of less than 2,000 square feet, is as follows, unless after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4 the Board of Appeal grants permission for a larger number: one such unit, if the number of stories containing dwelling units is one to five inclusive; two such units, if the number of stories containing dwelling units is six or seven; and such units not limited if the number of stories containing dwelling units is eight or more.</p> <p>(†Provided that after conversion, the lot area per dwelling</p>								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	unit, the open space, and the off-street parking each meet not less than one-half the requirements of this code and that after conversion any nonconformity as to floor area ratio and yard dimension is no greater than prior to conversion.								
	(‡As amended on April 14, 1967, April 11, 1979, and September 23, 1987)								
‡8A	Any lodging or boarding house converted for three or more families in separate dwelling units. . . . .	F	A* C†	A* C†	A* C†	A* C†	F	F	F
	*Where structures after conversion will conform to this code; provided that, in a density limitation district, the maximum number of dwelling units with usable interior living area of (1) less than 750 square feet, in a building having a gross floor area of 2,000 or more square feet, or (2) less than 525 square feet, in a building having a gross floor area of less than 2,000 square feet, is as follows, unless after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4 the Board of Appeal grants permission for a larger number: one such unit, if the number								



NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	of stories containing dwelling units is one to five inclusive; two such units, if the number of stories containing dwelling units is six or seven; and such units not limited if the number of stories containing dwelling units is eight or more.								
	†Provided that after conversion the lot area per dwelling unit, the open space, and the off-street parking each meet not less than one-half the requirements of this code and that after conversion any non-conformity as to floor area ratio and yard dimension is no greater than prior to conversion.								
	(‡As inserted on September 23, 1987)								
	TEMPORARY DWELLINGS								
9	Temporary dwelling structure . . . . .	C	C	C	C	C	C	C	C
	LODGING HOUSES, DORMITORIES, HOTELS, etc.								
‡10	Lodging or boarding house . . . . .	F	C	C	A*	A*	F	F	F
	*Except C in L-2-65 and B-3-65.								
	(‡As amended on September 16, 1965, February 17, 1971, March 20, 1972, March 28, 1975, October 19, 1978, and October 31, 1980)								



NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
‡11	Dormitory on the same lot as, and accessory to, a use specified in Use Item No. 16A or Use Item No. 18 on a lot of three acres or more . . . . .	C	C	C*	C	C	F	F	F
	*Except F in H-2-65.								
	(‡As amended on Sept. 16, 1965, Dec. 5, 1966, May 26, 1970, Feb. 17, 1971, March 20, 1972, and Feb. 28, 1979)								
‡12	Dormitory on the same lot as, and accessory to, a use specified in Use Item No. 16A or Use Item No. 18 on a lot of less than three acres . . . . .	C	C	C*	C	C	F	F	F
	*Except F in H-2-65.								
	(‡As amended on Dec. 5, 1966, May 26, 1970, Feb. 17, 1971, Mar. 20, 1972, and Feb. 28, 1979)								
‡13	Dormitory not upon the same lot as, but accessory to, a use specified in								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
‡22	Hospital or sanatorium not providing custodial care for drug addicts, alcoholics or mentally ill or mentally deficient persons; clinic or professional offices accessory to a hospital or sanatorium whether or not on the same lot . . . . .	F	F	C*	C*	C*	F	F	F
	<p>*Except A provided that (1) the land or structure occupied by such use is located in an urban renewal area (U) overlay district or planned development area (D) overlay district as those areas are defined in Section 3-1A; or (2) such use is the subject of an application for determination of need filed on or before October 22, 1981, with the Department of Public Health of the Commonwealth under Section 25C of Chapter 111 of the General Laws, and such application, as it may be amended or modified, has been granted either prior or subsequent to October 22, 1981, or (3) an extension of a pre-existing structure contains no more than 2,500 square feet of gross floor area or a free standing building contains no more than 500 square feet of gross floor area and, in either case, occupies land in medical institutional use prior to October 22, 1981, or (4) such use will occupy interior space being used by the same institution for Use Item No. 20A, 22, 24, 29, 77 or 79 at the time such change is proposed.</p> <p>(‡As amended on April 14, 1967, June 8, 1977, October 19, 1978, July 11, 1979, October 31, 1980, and January 8, 1982)</p>								
‡22A ID	Convalescent, nursing or rest home; home for the aged; orphanage; or similar institution not for correctional purposes . . . . .	F	F	A*	A*	A*	F	F	F
	<p>*Provided that custodial care is not provided for drug addicts, alcoholics or mentally ill or mentally deficient persons.</p> <p>(‡As amended on April 14, 1967, June 8, 1977, and April 11, 1979)</p>								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
‡23	Any use listed under Use Item No. 22 or 22A providing custodial care for drug addicts, alcoholics or mentally ill or mentally deficient persons . . . . .	F	F	F	C	C	C	C	F
	(‡As amended on October 19, 1978)								
‡24	Scientific research and teaching laboratories not conducted for profit and accessory to a use listed under Use Item No. 16, 16A, 18, 22, or 23, whether or not on the same lot, provided that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke and vapor are effectively confined to the lot or so disposed of as not to be a nuisance or hazard to health or safety; and provided also that no noise or vibration is perceptible without instruments more than fifty feet from the lot or any part of the lot . . . . .	F	F	C*	C*	C*	C*	C*	C*
	*Except A if accessory to Use Item No. 16 and also A if accessory to Use Item No. 22 and at least one of the provisos in the footnote of Use Item No. 22 is met.								
	(‡As amended on July 9, 1973, October 19, 1978, October 31, 1980, and January 8, 1982)								
25	Penal or correctional institution; detention home . . . . .	F	F	F	F	C	C	C	F

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
‡26	a. New cemetery .....	C	C	C	C	C	C	C	C
	b. Extension of a cemetery exist- ing on the effective date of this code .....	A	A	A	A	A	A	A	F
	c. Mortuary chapel in a cemetery .....	A*	A*	A*	A*	A*	A*	A*	F
	*Provided that such chapel is located more than one hundred and fifty feet from every lot line of the cemetery that abuts land in a S, R or H district that is not part of a cemetery.								
	d. Crematory in a cemetery .....	A*	A*	A*	A*	A*	A*	A*	F
	*Provided that such crematory is located more than three hundred feet from every lot line of the cemetery that abuts land in a S, R or H district that is not part of a cemetery.								
	e. Columbarium in a cemetery .....	A	A	A	A	A	A	A	F
(‡As amended on April 11, 1979)									

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
	RECREATIONAL USES									
‡27	Open space in public ownership dedicated to or appropriated for active or passive recreational use or to the conservation of natural resources; including but not limited to the waterway areas, beaches, reservations, parks, and playgrounds within the boundaries of the City of Boston; or, open space in private ownership for active or passive recreational use or for the conservation of natural resources. In an OS district there shall be no structures except those accessory to open space uses, in accordance with Use Item No. 27A . . . . .	A*	A*	A*	A*	A*	A	A	A	
	*Subject to St. 1956, c. 665, s. 2, as amended.									
	(‡As amended on January 4 and October 12, 1988)									
‡27A	Open space recreational building, a structure on an open space area that is necessary and/or appropriate to the enhanced enjoyment of the particular open space area . . . . .	C*	C*	C*	C*	C*	C	C	C	
	In an OS district, such structure is C and, further, is									

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
	subject to the provisions of Article 33.									
	*Subject to St. 1956, c. 665, s. 2, as amended.									
	(‡As inserted on January 4, 1988, and amended on October 12, 1988)									
‡28 ID	Private grounds for games and sports not conducted for profit . . . . .	A*	A*	A*	A	A	C	C	C	
	*Provided (1) that no parking area or active outdoor recreation area is nearer any lot line than the front yard depth required by this code for the lot, and (2) that, unless after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission therefor, there are no accommodations for spectators nor outdoor floodlights nor any indoor or outdoor activity which is in itself noisy.									
	(‡As amended on April 11, 1979)									





NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
‡29 ID	Adult education center building; community center building; settlement house . . . . .	A*	A*	A*†	A†	A	C	C	C
	<p>*Provided (1) that no parking area or active outdoor recreation area is nearer any lot line than the front yard depth required by this code for the lot, and (2) that, unless after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission therefor, there are no accommodations for spectators nor outdoor floodlights nor any indoor or outdoor activity which is in itself noisy.</p> <p>†Except C in H-2-65, H-3-65 and L-2-65.</p> <p>(‡As amended on October 19, 1978, April 11, 1979, and October 31, 1980)</p>								

		District							
NO.	USE ITEM	S	R	H	L	B	M	I	W
‡30 ID	Private club (including quarters of fraternal organizations) operated for members only .....	F	C*	C*	C	A†	C	C	C
*Provided (1) that no parking area or active outdoor recreation area is nearer any lot line than the front yard depth required by this code for the lot, and (2) that there are no accommodations for spectators nor outdoor floodlights nor any indoor or outdoor activity which is in itself noisy.									
†Except C in B-3-65.									
(‡As amended on April 17, 1974, October 19, 1978, April 11, 1979, and October 31, 1980)									
PUBLIC SERVICE USES									
31	Public service pumping station; public								

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
	service sub-station, automatic telephone exchange . . . . .	C*	C*	C*	A†	A†	A	A	A	
	<p>*Provided that the structure is essential to service in the residential area in which it is located, that no business office nor any storage building or yard is maintained in connection with it, and that the requirements of St. 1956, c. 665, s. 2, where apt, are met.</p> <p>†Subject to St. 1956, c. 665, s. 2</p>									
32	Telephone exchange (other than automatic) . . . . .	F	F	F	A*	A	A	A	C	
	<p>*Provided that it is essential to service in the area in which it is located.</p>									

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
‡33	Fire station; police station . . . . .	A*	A*	A*	A*	A*	A	A	A	
	*Subject to St. 1956, c. 665, s. 2.									
	(‡As amended on April 14, 1967)									
	RETAIL BUSINESS									
‡34	Store primarily serving the local retail business needs of the residents of the neighborhood, but not constituting a business as described in Use Item No. 34A, including, but not limited to, store retailing one or more of the following: food, baked goods, groceries, packaged alcoholic beverages, drugs, tobacco products, clothing, dry goods, books, flowers, paint, hardware and minor household appliances . . . . .	F	F	F	A*	A+*	A	A	C	
	*Except C in all L and in B-1 and B-2 districts if the hours during which such establishment is open to the public begin before 6 A.M. or extend beyond 12 midnight, or if such merchandise is sold or displayed out of doors on the premises of such store.									
	+Except C if merchandise is sold or displayed out of doors on the premises of such store.									
	(‡As amended on May 26, 1972, June 7, 1978, October 14, 1981, and July 15, 1988)									

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	EATING PLACES AND ENTERTAINMENT								
‡37	Lunch room, restaurant, cafeteria or other place for the service or sale of food or drink for on-premises consumption, provided that there is no dancing nor entertainment other than phonograph, radio and television, and that neither food nor drink is served to, or consumed by, persons while seated in motor vehicles . . . . .	F	F	F	A*	A*	A	A	C
	*Except C in L-2-65, B-3-65, B-6-90a, and B-8-120a.								
	(‡As amended on August 12, 1971, February 10, 1972, June 7 and October 22, 1974, October 31, 1980, and April 2, 1987)								
‡37A	The maintenance and operation of any amusement game machine in a private club, dormitory, fraternity or sorority house, or similar non-commercial establishment (other than as an accessory use described in Use Item No. 86a) . . . . .	F	C	C	C	A*	A*	A	C
	*Except C in B-3-65, B-6-90a, B-8-120a, B-8-120b, and M-8.								
	(‡As inserted on June 2, 1983, and amended on April 2, 1987)								
‡38	Place for sale and consumption of food and beverages (other than drive-in restaurant) providing dancing or entertainment or both;								





NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
	theatre (including motion picture concert hall; dance hall; skating rink; bowling alley; pool room; billiard parlor; other social, recreational or sports center conducted for profit; or any commercial establishment maintaining and operating any amusement game machine (other than as an accessory use described in Use Item No. 86b or 86c); provided that such establishment is customarily open to the public at large and does not exclude any minor by reason of age as a prevailing practice . . . . .	F	F	F	F	A*	#	A	C	
	*A in B-1, B-2, B-4, B-8 and B-10; C in B-3-65, B-6-90a, B-8-120a, and B-8-120b.									
	#A in M-1, M-2, M-4; C in M-8.									
	(‡As amended on April 14, 1967, April 11 and September 27, 1973, November 27, 1974, October 31, 1980, June 2, 1983, and April 2, 1987)									
‡38A	Any of the uses enumerated in Use Items 38 and 52 if such establishment is customarily not open to the public generally but only to one or more classes of the public excluding any minor by reason of age . . . . .	F	F	F	F	F*	F	F	F	
	*Except A in an adult entertainment district.									
	(‡As inserted on November 27, 1974)									

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	OFFICE USES								
‡39	Office of accountant, architect, attorney, dentist, physician, or other professional person, not accessory to a main use . . . . .	F	F	C*	A	A	A+	A+	C
	<p>*Except F in H-2-65 and H-3-65; C in H-1, H-1-40, H-1-50, H-2, H-2-45 or H-3 only if it is within two hundred feet of an H-4, H-5, L, B, M, I or W district.</p> <p>+Except subject to Article 34, for a period of one year from its effective date.</p> <p>(‡As amended on February 17, 1971, March 20, 1972, July 9, 1973, October 19, 1978, February 28, 1979, October 31, 1980, June 16, 1982, and April 29, 1988)</p>								
‡39A	Clinic not accessory to a main use . . . . .	F	F	C*	A†	A†	A	A	C
	<p>*Provided that if in an H-1, H-1-40, H-1-50, H-2, H-2-45, H-2-65 or H-3 district, it is within two hundred feet of an H-3-65, H-4, H-5, L, B, M, I or W district.</p> <p>†Except C in L-2-65 and B-3-65.</p> <p>(‡As amended on October 19, 1978, February 28, 1979, October 31, 1980, and June 16, 1982)</p>								

NO.	USE ITEM	District								
		S	R	H	L	B	M	I	W	
‡40	Real estate, insurance or other agency office . . . . .	F	F	F	A	A	A*	A*	C	
	*Except subject to Article 34, for a period of one year from its effective date.									
	(‡As amended on April 29, 1988)									
‡41	Office building, post office, bank (other than drive-in bank) or similar establishment . . . . .	F	F	F	A	A	A*	A*	C	
	*Except subject to Article 34, for a period of one year from its effective date.									
	(‡As amended on November 30, 1973, and April 29, 1988)									
‡42	Office or display or sales space of a wholesale, jobbing or distributing house . . . . .	F	F	F	F	A*	A	A	A	
	*Provided that not more than twenty-five percent of gross floor area devoted to this use is used for assembling, packaging and storing merchandise unless after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for a greater percentage to be so used.									
	(‡As amended on April 14, 1967)									
	SERVICE ESTABLISHMENTS									
‡43	Barber shop; beauty shop; shoe repair shop; self-service laundry; pick-up									

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	and delivery station of laundry or dry-cleaner; or similar use . . . . .	F	F	F	A#	A	A	A	C
	#Except C if the hours during which such establishment is open to the public begin before 6 A.M. or extend beyond 12 midnight.								
	(‡As amended on April 14, 1967, and June 7, 1978)								
44	Tailor shop; hand laundry; dry- cleaning shop . . . . .	F	F	F	A*	A*	A	A	C
	*Provided that only nonflammable solvents are used for cleaning; and in L districts, provided also that not more than five persons at a time work in the establishment.								
‡45	Laundry plant; dry-cleaning plant; rug cleaning plant . . . . .	F	F	F	F	F	A	A	C
	(‡As amended on April 14, 1967)								
‡46	Caterer's establishment; photographer's studio; printing plant; taxidermist's								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	or H district, there is space for no more than three vehicles for each dwelling unit, none of which shall be a commercial vehicle with a maximum load capacity of more than 1-1/2 tons, and not more than one of which shall be a commercial vehicle with a maximum load capacity of 1-1/2 tons or less.								
	(‡As amended on April 14, 1967, September 27, 1973, September 2, 1976, April 11, 1979, and June 18, 1981)								
‡72A	As an accessory use subject to the limitations and restrictions of Article 10, a swimming pool or tennis court not within a required front yard . . . . .	A*	A*	A*	A*	A*	A*	A*	A*
	*Provided that it is more than four feet from every lot line, and in the case of a swimming								



NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	pool, that it is protected by a six-foot-high fence with a gate which is locked from the outside, and that if the pool is within ten feet of a lot line, the fence is concealing to a height of at least six feet.								
	(‡As inserted on April 14, 1967, and amended on September 23, 1987)								
73	As an accessory use subject to the limitations and restrictions of Article 10, an office, within a main building, of an accountant, architect, attorney, dentist, physician or other professional person who resides in such building . . . . .	C*	A*	A*	A	A	A	A	C
	*Provided that nonresident assistants do not exceed: one in a S district, two in a R district, and three in an H district.								
74	As an accessory use subject to the limitations and restrictions of Article 10, an occupation for								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	profit customarily carried on in a dwelling unit by a person residing therein . . . . .	C*	A*	A*	A	A	A	A	C
	*Provided that such occupation is carried on in a main building and requires only equipment ordinarily incident to a dwelling unit, that no non-resident help is employed and that there is no trading in merchandise.								
75	As an accessory use subject to the limitations and restrictions of Article 10, the keeping of horses, cows, goats or similar animals other than pigs . . . . .	C*	C*	C*	C*	C*	C*	C*	C*
	*Provided that every stable and enclosure is at least one hundred feet								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	from every residential building on another lot; and provided further that every stable and enclosure sheltering more than four such animals is at least one hundred feet from every lot on which there is a church, school playground; library, or public or eleemosynary institution unless that distance is intersected by a street at least sixty feet wide; and provided also in a S, R or H district, that no more than twenty-five animals at a time are kept on the lot and that every stable and enclosure is more than one hundred feet from the nearest street. A condition of this use shall be that if on another lot a residential building is erected within one hundred feet of a stable or enclosure, the use of such								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	no more than five persons are employed in such manufacture, assembly and packaging.								
82	As an accessory use subject to the limitations and restrictions of Article 10, a repair garage incident to auto sales .....	F	F	F	F	A*	A*	A*	C*
	*Providing that all washing, lubricating and making of repairs is carried on inside a building, and that all noise, flashing, dust, fumes, gases, smoke and vapor are effectively confined to the lot.								
83	As an accessory use subject to the limitations and restrictions of Article 10, permanent dwellings for personnel required to reside on a lot								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	for the safe and proper operation of a lawful main use of such lot. . . . .	A	A	A	A	A	C	C	C
‡84	As an accessory use subject to the limitations and restrictions of Article 10, any nonresidential use lawful in an I district . . . . .	F	F	F	F	F	C*+		C
	<p>*Provided that such use is so carried on as not to be either a hazard to the health or safety of persons on any adjacent lot or a nuisance.</p> <p>+Subject, in the case of an accessory office, to Article 34, for a period of one year from its effective date.</p> <p>(‡As amended on April 29, 1988)</p>								
‡85	As an accessory use subject to the limitations and restrictions of Article 10, any use ancillary to, and ordinarily incident to, a lawful main use . . . . .	A*	A*	A*	A*	A*	A*+	A*+	A*
	<p>*Provided that such use is not a use specifically forbidden in such district; and provided further that any such use shall be subject to the same restrictions, conditions, limi tations, provisos and safeguards as the use to which it is accessory.</p> <p>+Except, in the case of an accessory office, subject to Article 34, for a period of one year from its effective date.</p> <p>(‡As amended on April 29, 1988)</p>								

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
‡86	As an accessory use subject to the limitations and restrictions of Article 10, the maintenance and operation of not more than four amusement game machines:								
	a. in a private club, dormitory, fraternity or sorority house, or similar noncommercial use . . . . .	F	A	A*	A*	A*	A	A	C
	*Except C in H-2-65, H-3-65, L-2-65, B-3-65, B-6-90a, and B-8-120a.								
	b. in a bar, tavern, or other commercial establishment where alcoholic beverages are sold and consumed . . . . .	F	F	F	A*	A*	A	A	C
	*Except C in L-2-65, B-3-65, B-6-90a, and B-8-120a.								
	c. in a store, self-service laundry, restaurant, or other commercial establishment (other than a commercial establishment where alcoholic beverages are sold and consumed) . . . . .	F	F	F	C	A*	A*	A	C
	*Except C in B-3-65, B-6-90a, B-8-120a, B-8-120b, and M-8.								
	(‡ As inserted on June 2, 1983, and amended on April 2, 1987)								





‡SECTION 8-8. **Use Regulations of Urban Renewal Subdistricts.** The use regulations of Section 8-7 shall apply to each of the Urban Renewal Subdistricts, with the following additions:

- (a) As an accessory use to housing developments, and subject to limitations and restrictions of Article 10, Section 10-1, business uses such as a food store, drug store, physician or dentist office, barber shop or restaurant shall be permitted within the H-1U through H-5U districts, when such uses are intended primarily for the convenience of residents of such housing.

(‡As inserted on September 7, 1967)

## ARTICLE 9

## NONCONFORMING USES

‡SECTION 9-1. **Extension of Nonconforming Uses and Reconstruction and Extension of Nonconforming Buildings.** Whenever land is being lawfully used for a use not conforming to this code, other than stone quarrying, such use may be extended on the same lot or on an adjoining lot; provided that after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for such extension; and provided further that the use as extended shall not exceed by more than twenty-five percent either in volume or in area the nonconforming use existing on the effective date of this code or, in the case of a use made nonconforming by an amendment of this code, on the effective date of such amendment.

Whenever a building or structure is being lawfully used for a use not conforming to this code, such building or structure may be reconstructed, structurally changed or extended; provided that after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for such reconstruction, structural change or extension; provided also that the building or structure as reconstructed, structurally changed or extended shall not exceed by more than twenty-five percent either in volume or in area the building or structure existing on the effective date of this code or, in the case of a building or structure made nonconforming by an amendment of this code, on the effective date of such amendment; and provided further that the aggregate amount expended for reconstructing, structurally changing or extending a nonconforming building or structure after the effective date of this code, or, in the case of a building or structure made nonconforming by an amendment to this code, after the effective date of such amendment, shall not exceed fifty percent of the physical value of the building or structure on the effective date of this code or such amendment as determined by the Board of Appeal from its reproduction cost less physical deterioration. Said

windows above the first story; or the lowest point of the roof surface, except in the case of a one-story building with a continuous horizontal parapet, the top of said parapet; (v) the area of the sign shall not exceed twenty-four square feet on either side, excepting that an additional ten square feet on each face is allowed for a sign which incorporates a public service message device such as a time and temperature sign; (vi) there are no exposed guy wires or turnbuckles.

(‡As amended on April 11, 1973, July 9, 1973, November 30, 1973, and June 7, 1974)

- ‡(e) One free standing sign, except in a B-2, B-3-65, B-4, B-6-90a, B-6-90b, B-8, B-8-120a, B-8-120b, B-8-120c, or B-10 district, provided that such sign has no more than two faces and (i) if there is one use, as defined by Article 8, on the lot, the area of each face does not exceed sixty-five square feet and the top of such sign is no higher than twenty-five feet above grade; or (ii) if there are two or more such uses on the lot, the area of each face does not exceed one hundred twenty-five square feet and the top of such sign does not exceed thirty feet above grade; excepting, however, that a lot with a street line or lines of two hundred or more feet may have two free standing signs, or a single sign which is two times the area otherwise permitted.

(‡As amended on September 27, 1973, June 7, 1974, October 31, 1980, and April 2, 1987)

- (f) Temporary signs pertaining to special sales or events

lasting more than fifteen days may be affixed to windows provided that their total area does not exceed thirty percent of the window. No permit is required for such temporary sign or signs.

(g) Directional signs necessary for public safety and convenience which do not exceed twelve square feet per face and which bear no advertising. Such signs are not counted in computing total sign area allowed by this section.

(h) A sign painted on or attached to the face of, but not extending above, a canopy or marquee, or a sign attached to the underside of a canopy or marquee.

(i) A sign painted on or attached to an awning.

A sign may bear lettering to indicate the street number, the name and kind of business, service or facility conducted on the premises, the year the business was established, a slogan, hours of operation, time and temperature, and lettering which is part of a trade mark.

other regulations in this code applying to the less restricted portion of the lot shall be considered as extending to so much of the remainder of the lot as is within thirty feet of said district boundary line, and the uses and other regulations so extended shall be deemed to be conforming so long as the land to which they are extended shall remain part of said lot.

**SECTION 12-2. Lots in Residential District Adjacent to Business or Industrial District.** Where a lot in a S or R district abuts the sideline of a lot in a L, B, M, I or W district, the part of such S or R lot within fifty feet of the district boundary may be used as if it were in the next less restricted residential zone, provided that the height, area, and yard restrictions of the district in which it is located are met. If after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4 the Board of Appeal grants permission therefor, the part of any structure within such fifty feet may be used for professional offices, private clinics, insurance, institutional and real estate offices, and other semi-commercial uses, provided in all cases that the height, area, and yard regulations of the district in which such structure is located are met.



**SECTION 12-3. Lots in Business or Industrial Districts Adjacent to Residential District.** Where a lot in a business or industrial district abuts a lot in a residential district, the lot in the L, B, M, I or W district shall have along each line abutting a residential district a yard equal in width or depth to that required in the residential district. Where land on one side of a street between two intersecting streets is zoned partly as residential and partly as business or industrial, the front yard depth in so much of the L, B, M, I or W district as lies within one hundred feet (measured along the street line) from the boundary line dividing the two districts shall be equal to the front yard depth required by this code in the S, R or H district.

## ARTICLE 13

### DIMENSIONAL REQUIREMENTS

**SECTION 13-1. Dimensional Regulations.** Minimum lot size, minimum lot area per dwelling unit, minimum lot width, maximum height of buildings, minimum usable open space per dwelling unit, minimum front yard depth, minimum side

yard width, minimum rear yard depth, minimum setback distance of parapet from any lot line, and maximum percent of rear yard occupied by accessory buildings for each class of use shall, subject to the provisions of this Article and Articles 14 to 23 inclusive, be as specified in the following table:

## RESIDENCE DISTRICTS

LOCAL  
BUSINESS  
DISTRICTS

‡TABLE B: DIMENSIONAL REGULATIONS

NOTE: Figures in parentheses refer to footnotes below table.

If a district with a second numerical suffix (e.g., H-2-55) is not listed in this Table, see footnote (15) and Section 3-1A(i).

DISTRICT	TYPE OF USE	LOT SIZE minimum sq. ft.	LOT AREA minimum sq. ft. for each add'l dwelling unit	LOT WIDTH minimum feet	FLOOR AREA RATIO maximum (1)	HEIGHT OF BUILDINGS stories maximum feet	USABLE OPEN SPACE minimum sq. ft. per dwelling unit	FRONT YARD minimum depth feet (14)	SIDE YARD minimum width feet	REAR YARD minimum depth feet	SETBACK OF PARAPET minimum distance from lot line	REAR YARD maximum % occup. by accessory buildings
S-3	1 family detached Other use	9,000 9,000	none 6,000	70 70	0.3 0.3	2½ 2½	none none	25 30	12 15	40 50	none none	25 20
S-5	1 family detached Other use	6,000 6,000	none 4,000	60 60	0.5 0.5	2½ 2½	none none	25 30	10 12	40 50	none none	25 20
R-5	1 & 2 family detached Any other dwelling Other use	5,000 2 acres 5,000	3,000 3,000(2) 3,000	50 200 50	0.5 0.5 0.5	2½ 2 2½	none 1,000 none	20 25 25	10 10 10	40 40 40	none none none	25 20 20
R-8	1 & 2 family row Any other dwelling Other use	3,000 5,000 5,000	2,000 1,500 1,500	none 50 50	0.8 0.8 0.8	3 3 3	800 800 none	20 20 25	10 10 10	40 40 40	none none none	25 25 20
H-1-40	1 & 2 family row Any other dwelling Other use	2,000 5,000 5,000	1,500 1,000 1,000	none 50 50	1.0 1.0 1.0	4 4 4	400 400 400	20 20 25	(4) (4) (4)	30(6) 10 + 20(6) 10 + 20(6)	H + L' 6 for all uses	25 25 25
H-1-50	1 & 2 family row Any other dwelling Other use	2,000 5,000 5,000	1,500 1,000 1,000	none 50 50	1.0 1.0 1.0	— — —	400 400 400	20 20 25	(4) (4) (4)	30(6) 10 + 20(6) 10 + 20(6)	H + L' 6 for all uses	25 25 25
H-1	1 & 2 family row Any other dwelling Other use	2,000 5,000 5,000	1,500 1,000 1,000	none 50 50	1.0 1.0 1.0	none none none	400 400 none	20 20 25	(4) (4) (4)	30(6) 10 + 20(6) 10 + 20(6)	H + L' 6 for all uses	25 25 25
H-2	Any dwelling Other use	none none	none none	none none	2.0 2.0	none none	150 none	20 20	(4) (4)	10 + 20(6) 25% of lot depth all uses	H + L' 6 all uses	30 30 40
H-3-65	Any dwelling Other use	none none	none none	none none	3.0 3.0	— —	50 none	(10) (10)	(4) (4)	25% of lot depth all uses	H + L' 6 all uses	40 40
H-3	Any dwelling Other use	none none	none none	none none	3.0 3.0	none none	100 none	15 15	(4) (4)	10 + 20(6) 10 + 20(6)	H + L' 6 all uses	35 35
H-4	Any dwelling Other use	none none	none none	none none	4.0 4.0	none none	50 none	15 15	(4) (4)	10 + 20(6) 10 + 20(6)	H + L' 6 all uses	40 40
H-5	Any dwelling Other use	none none	none none	none none	5.0 5.0	none none	50 none	15 15	(4) (4)	10 + 20(6) 10 + 20(6)	H + L' 6 all uses	40 40
L-5	Any dwelling Other use	(3) none	(3) none	(3) none	0.5 0.5	2½ 2½	(3) none	(3) 15	(3) none(5)	(3) 20(7)	none none	— —
L-1	Any dwelling Other use	(3) none	(3) none	(3) none	1.0 1.0	3 3	(3) none	(3) 10	(3) none(5)	(3) 20(7)	none none	— —
L-2	Any dwelling Other use	(3) none	(3) none	(3) none	2.0 2.0	none none	(3) none	(3) none	(3) none(5)	(3) 10 + 20(7)	H + L' 6 for all uses	— —

key:

- L = Length of wall parallel (or within 45° of parallel) to lot line, measured parallel to lot line.
- H = Height of building above the height below which no setback is required.
- L' = Length of wall parallel (or within 45° of parallel) to lot line, measured parallel to lot line at greatest length above the height below which no setback is required.

- (1) See Section 15-4 for cases where the maximum floor area ratio may be exceeded.
- (2) No additional lot area for first 30 dwelling units.
- (3) See Section 13-4.
- (4) Ten feet plus one twentieth of the length of the wall parallel (or within 45° of parallel) to the side lot line. See further Section 19-4.
- (5) See Section 19-5.
- (6) See Section 20-4.
- (7) See Section 20-5.
- (8) Deleted.
- (9) See Section 16-7 for regulations for pre-Code structures.
- (10) 20 feet on east-west streets, none on north-south streets. A bay window, as defined in Section 2-1, may protrude into a front yard, Section 18-1 notwithstanding. See also Sections 18-1 and 18-2.

**SECTION 13-2. Lot Area or Yards Required.** In computing the area of a lot or the dimensions of the yards required for any building or use, there shall not be included any land which was used to meet the minimum area or minimum yard space required by law for any other building or use at the time of its erection or inception, and which would be required to meet the requirements of this code for such other building or use. This prohibition shall apply whether or not such land is still in the same ownership as when it was used as aforesaid.

**SECTION 13-3. Nonconformity as to Dimensional Requirements.** A building or use existing on the effective date of this code and not conforming to the applicable dimensional requirements specified in other provisions of this Article and Articles 14 to 23, inclusive, may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

‡**SECTION 13-4. Dwellings In Nonresidential Districts.** Any dwelling in an L, B, M, I, or W district shall conform to the lot area, usable open space, and yard requirements for the nearest S, R or H district; provided, however, that any



dwelling in a B-8 or B-10 district shall conform to the lot area, usable open space and yard requirements for the least restricted residence district.

(‡As amended on April 14, 1967, and September 23, 1987)

SECTION 13-5. (Inserted on September 7, 1967, and repealed on July 2, 1968.)

## ARTICLE 14

### LOT SIZE, AREA AND WIDTH

SECTION 14-1. **Minimum Lot Size.** Where a minimum lot size is specified in Table B of Section 13-1, no main building shall be erected, nor main use established, on any lot for which such size is specified, if such lot is of lesser size, except as provided in Section 14-6. (Illustrated in Appendix 2)

‡SECTION 14-2. **Lot Area per Dwelling Unit, etc.** Where a minimum lot area for each additional dwelling unit is specified in Table B of Section 13-1, the minimum lot area for the first dwelling unit on the lot shall be the minimum lot



size; and the minimum additional lot area for each additional dwelling unit thereon shall be the minimum lot area for each additional dwelling unit specified in said Table B. For residential structures not divided into dwelling units, each two sleeping rooms for single or double occupancy and each four beds in sleeping rooms that contain beds for more than two persons shall be deemed to constitute one dwelling unit; provided that each two hospital beds shall be deemed to constitute one such unit; and further provided that a limited group care residence as defined in clause (22B) of Section 2-1 shall be deemed to constitute one dwelling unit for purposes of this article. For non-residential structures, and for structures where non-residential uses are combined with residential uses, each fifteen hundred square feet of gross floor space devoted to non-residential uses shall be deemed to constitute one dwelling unit.

(‡As amended on August 10, 1979)

‡SECTION 14-3. **Lot Width.** Where a minimum lot width is specified in Table B of Section 13-1, no main building shall be erected on that part of a lot where the lot width is less than that specified in said Table B, except as provided in Section 14-6.

(‡As amended on April 14, 1967)

SECTION 15-5. Repealed on July 7, 1977.

SECTION 15-6. **Special Floor Area Ratio Provisions for Regulated Projects.** In the case of a lot in a B-8 or a B-10 district constituting part of a project under Chapter 121, or Chapter 121A, of the General Laws for the development or redevelopment of five or more acres of land, the floor area ratio may exceed the maximum floor area ratio specified in Table B of Section 13-1; provided that if so much of the district as constitutes part of such project is taken as one lot, the floor area ratio does not exceed such maximum.

## ARTICLE 16

### HEIGHT OF BUILDINGS

‡SECTION 16-1. **Maximum Height of Buildings.** Where a maximum height of buildings is specified in Table B of Section 13-1, or in a second numerical suffix in the designation of subdistrict as provided in Section 3-1A(i), no building or part of a building in a district, and devoted to a use, specified, shall exceed the number of stories or feet in height so specified except as provided in Sections 16-2 and 16-3.

(‡As amended on June 24, 1985)

SECTION 16-2. **Exceptions.** The provisions of Section 16-1 shall not apply to belfries, cupolas, domes, monuments, church spires, water towers, observation towers, radio towers, transmission towers, windmills, chimneys, smokestacks, silos, derricks, conveyors, masts, flag poles, aerials, elevator headhouses, water tanks, monitors, signs or other structures normally built above the roof and not devoted to human occupancy, but such structures shall be erected only to such heights, and cover only such areas, as are necessary to accomplish the purpose they are intended to serve.

‡SECTION 16-3. **Exceptions Adjoining Nonconforming Structures.** Wherever, other than in an H-2-45, H-3-65, B-3-65, B-6-90a, B-6-90b, B-8-120a, or B-8-120c district, a legally existing structure not excepted under Section 16-2 exceeds the height limit specified in Table B of Section 13-1 on a lot in the same district as, and adjoining, the lot on which such legally existing structure is located a structure may be built to a height greater than said height limit, but shall not project above a line drawn between the highest point of said legally existing structure and any point at the height limit whose distance from said highest point is three times the height of said highest point above the height limit.

(‡As amended on October 31, 1980, June 16, 1982, and April 2, 1987)

(Illustrated in Appendix 2)

**‡SECTION 16-4. Height of Buildings in H-1-40 and H-1-50 Districts.**

The Board of Appeal may, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, grant permission for a building to exceed the maximum height specified for H-1-40 and H-1-50 districts by Table B of Section 13-1, provided that said Board of Appeal finds that such height will not have a detrimental effect on the neighborhood and that the Boston Redevelopment Authority has recommended approval.

(‡As inserted on March 20, 1972, and amended on February 28, 1979)

**SECTION 16-5.** (Inserted on September 27, 1973, and deleted on April 2, 1987.)

**‡SECTION 16-6. Height of Structures within One Hundred Feet of Streets that Bound Boston Common or the Public Garden.** Any building or portion thereof within one hundred feet of the nearest street line of any street described below shall not exceed the height specified for such street as follows:

- a. Park Street: 65 feet maximum height.
- b. Tremont Street from Hamilton Place to West Street: 125 feet maximum height.
- c. Tremont Street from West Street to Boylston Street: 155 feet maximum height.
- d. Boylston Street from Tamworth Street to Park Square: 130 feet maximum height.
- e. Boylston Street from Park Square to the westerly sideline of Hadassah Way, to a depth of 75 feet from Boylston Street: 130 feet maximum height; beyond said depth of 75 feet: 155 feet maximum height.
- f. South side of Boylston Street from the westerly sideline of Hadassah Way to a point 100 feet west of Arlington Street, to a depth of 50 feet from Boylston Street: 85 feet maximum height; beyond said depth of 50 feet: 130 feet maximum height; except that such requirement in a B-8-120c district shall be subject to the provisions of Article 6A.



- g. Arlington Street from Newbury Street to Commonwealth Avenue:  
155 feet maximum height at parapet line; height to top of roof may be 185 feet, provided that the portion of the building above 155 feet is set back a minimum of 20 feet from any parapet line facing a street more than 25 feet wide.

(‡As inserted on July 7, 1977, and amended on April 2, 1987)

‡SECTION 16-7. **Increase in Height of pre-Code Structures in H-3-65 and B-3-65 Districts.** In an H-3-65 or B-3-65 district, the height of a structure existing on December 31, 1964, shall not be increased by more than one story nor more than 10 feet above its pre-Code height, nor shall the total height of such structure exceed the height limit specified in Table B of Section 13-1. Such additional story and all mechanical equipment shall be set back from the tops of the front and rear walls of the story below it by one-half foot for each foot in height above said tops of front and rear walls.

(‡As inserted on October 31, 1980, and amended on June 18 and August 20, 1981)

‡SECTION 16-8. **Restricted Roof Structure Districts.** In a restricted roof structure district, no roofed structure designed or used for human occupancy, access (except as allowed in following paragraph), or storage shall be erected or enlarged on the roof of an existing building if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless after public notice and hearing and subject to Sections 6-2, 6-3 and 6-4, the Board of Appeal grants a conditional use therefor.

An open roof deck may be erected on the main roof of a building with a flat roof or a roof with a slope of less than five degrees providing that (a) such deck is less than one foot above the highest point of such roof; (b) the total height of the building, including such deck, does not exceed the maximum height specified in Table B of Section 13-1 or specified on the zoning maps, the Zoning Districts City of Boston, as they may be amended from time to time; and (c) access is by roof hatch or bulkhead no more than thirty inches in height above such deck unless, after public notice and hearing and subject to Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for a stairway headhouse; and (d) an appurtenant hand rail, balustrade, hatch or bulkhead is set back horizontally, one foot for each foot of height of such appurtenant structure, from a roof edge that faces a street more than twenty feet wide.

In the restricted roof structure districts mapped in the South End, Bay Village and along St. Botolph Street, the above restrictions shall apply only to residential structures or to structures originally built for residential use. In reaching its decision, the Board of Appeal shall consider whether such roof structure has the potential of damaging the uniformity of height or architectural character of the immediate vicinity.

In the restricted roof structure district mapped in the North End, the above restrictions shall apply to all buildings. The height of any building existing as of the effective date of this regulation shall determine the allowed height on that site subsequent to total or partial demolition or destruction of said building. Any proposed construction on the site that would exceed the prior height would require Board of Appeal approval, and would be subject to the restricted roof structure district regulations and any height limits in place in the district. In making its decision, the Board of Appeal shall consider whether such roof structure has the potential for significantly restricting light and air flow to adjacent structures and significantly blocking views from roofs.

(‡As inserted June 18, 1981, and amended August 20, 1981, and June 24, 1985)

‡SECTION 16-9. **Exceptions In B-8-120c District bounded by Blagden Street, Exeter Street, and Huntington Avenue.** In the B-8-120c district bounded by Blagden Street, Exeter Street, and Huntington Avenue, the height of a building may exceed 120 feet, provided that (1) such height does not exceed 200 feet, excluding mechanical equipment and the roof or other structures enclosing such equipment; (2) the gross floor area of the building does not exceed the maximum floor area ratio of 8; (3) at least seventy-five percent (75%) of the gross floor area of the building is devoted to residential use under Use Item No. 7 together with any use lawfully accessory or ancillary to such residential use under the provisions of Table A of Section 8-7 excepting floor areas for off-street parking; and (4) any such building is subject to design review approval of the Boston Redevelopment Authority; said design review to require off-street parking in the amount of 1.75 (one point seven five) spaces per residential unit and 1 (one) space per 1,000 square feet of commercial space.

(‡As inserted on June 17, 1987)





## ARTICLE 17

## OPEN SPACE REQUIREMENT FOR RESIDENCES

‡SECTION 17-1. **Minimum Usable Open Space.** Where a minimum usable open space per dwelling unit is specified in Table B of Section 13-1, there shall be allotted and maintained for lawful outdoor uses other than off-street parking on every lot within the district, and devoted to the use, specified, for each dwelling unit intended for family occupancy the minimum usable open space so specified, except that in H-2-65, H-3-65, H-3, H-4 and H-5 districts all or part of this requirement may be met by suitably designed and accessible space on balconies of main buildings or on the roofs of wings of main buildings or on the roofs of accessory buildings. So much of the front, side and rear yards required by this code for the lot as is not devoted to an accessory building or off-street parking or driveway purposes shall be included in computing usable open space for the purposes of this article.

(‡As amended on February 17, 1971, July 9, 1973, and October 31, 1980)

SECTION 17-2. **Exception for Residential Structures Designed for Transient Occupancy.** The provisions of Section 17-1 shall not apply to hotels, motels, hospitals, dormitories or other residential structures intended and designed primarily for transient occupancy.

## ARTICLE 18

## FRONT YARDS

‡SECTION 18-1. **Front Yard Requirements.** Where a minimum depth of front yard is specified in Table B of Section 13-1, so much of every lot within the district specified, and devoted to the use specified, as lies between the street line (or, in the case of a rear lot, the rear line of the lot to the rear of which such rear lot is located) and a line inside the lot parallel to, and such minimum depth (or, in the case of lots to which Section 18-2 applies, the distance described therein) from, the street line (or, in the case of a rear lot, such rear line) is hereby required as a front yard within which no planting other than shade trees shall be maintained more than five feet above the average natural grade in such front yard and within which no structure shall be erected except fences and walls not over five feet in height above said average natural grade in such front yard and except also steps, terraces, open porches without roofs, and the like if not extending more than three feet above the floor of the first story, and except also signs that conform with Article 11. In a required front yard in an L or B district, no plaza, terrace or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor. See also Section 22-2A.

(‡As amended on February 20, 1970, February 17, 1971, by two amendments July 9, 1973, September 27, 1973, October 22, 1974, and February 14 and April 11, 1979)

‡SECTION 18-2. **Conformity with Existing Building Alignment.** If at any time in the same block as a lot required by Section 13-1 or 13-4 to have a front yard there exist two or more buildings fronting on the same side of the same street as such lot, instead of the minimum depth specified in Table B of Section 13-1, the minimum depth of the front yard shall be the modal front yard depth, i.e., the distance between the street line and the face of the building which, as measured by lot widths along said street line, occurs most frequently. The method for making this calculation shall be as follows:

1. For each developed lot on the same side of the same street the distance between the street line and the nearest building is measured. The measurement is rounded off to the nearest half foot if the said buildings are attached and to the nearest foot if the said buildings are detached. The width of each lot is then measured. These measurement may be scaled off from a reliable plan or map.
2. The widths of all lots with the same front yard depth are added up,

any part of a side lot line on which a building on the adjoining lot abuts between the rear yard required by this code and said line seventy feet in the rear of the front yard so required. When a side yard is required in an H district, in no event need such yard be wider than twenty feet.

(‡As amended on April 14, 1967)

‡SECTION 19-5. **Side Yards in L, B, M, I and W Districts.**

In L, B, M, I and W districts, no side yard is required except in the case of (a) a lot used for dwelling purposes, which shall have side yards as prescribed by Section 13-4, and (b) a lot with a side lot line abutting a S, R or H district, which shall have side yards as if it were in such abutting district. See also Section 22-2A.

(‡As amended on February 14, 1979)

SECTION 19-6. **Special Provisions for Corner Lots.**

(a) The front yard and front setback requirements of this code, and not the side yard requirements of this Article, shall apply to that part of a side lot line which is also a street line extending more than one hundred feet from the intersection of such line with another street.

‡(b) In any H district with the exception of an H-3-65 district, the width of the side yard along a side lot line of a lot which is also a street line shall be one half the front

yard depth required by this code for the lot; and in all other districts, except B-3-65, B-6-90a, B-8-120a, and B-8-120b districts or unless no side yard is required, such width shall be one fifth of the width of the lot measured at the front yard line but not less than the side yard width specified for the lot in Table B of Section 13-1, except that such width need not be greater than the front yard depth required by this code for the lot; provided, however, that if in any district a side lot line of a lot is also a street line and the rear lot line of such lot is the side lot line of a lot fronting on such street, the front yard requirements of this code applicable to such adjoining lot shall apply along so much of the side lot line of the lot as lies within thirty feet of the side lot line of the adjoining lot.

(‡As amended on July 9, 1973, September 27, 1973, October 31, 1980, and April 2, 1987)

(Illustrated in Appendix 2)

‡(c) In H-3-65, B-3-65, B-6-90a, B-8-120a, and B-8-120b districts, regardless of the orientation of a building on a corner lot the minimum depth of yards abutting the east-west streets is 20 feet and no yards are required on north-south streets.

(‡As inserted on July 9, 1973, and amended on September 27, 1973, October 31, 1980, and April 2, 1987)



**SECTION 21-3. Setback Where Parapet Not Parallel to Lot Line.**

(a) If the lot line to which a parapet is most nearly parallel is a front lot line, and if the average distance between such parapet and such lot line is no less than the setback otherwise required by this Article, and if the distance between such parapet and such lot line is at no point less than three fourths of the setback so otherwise required, the requirements of this Article shall be deemed to be met.

(b) If the lot line to which a parapet is most nearly parallel is a side lot line, and if the average distance between such parapet and such lot line is no less than the setback otherwise required by this Article, and if the distance between such parapet and such lot line is at no point less, in the case of a side lot line which is not also a street line, than three fourths of the setback otherwise required by this Article and, in the case of a side lot line which is also a street line, than one half of the setback so required, the requirements of this Article shall be deemed to be met.



(c) If the lot line to which a parapet is more nearly parallel is a rear lot line, and if the average distance between such parapet and such lot line is no less than the setback otherwise required by this Article, and if the distance between such parapet and such lot line is at no point less, in the case of a rear lot line which is not also a street line, than three fourths of the setback otherwise required by this Article and, in the case of a rear lot line which is also a street line, than one-half of the setback so required, the requirements of this Article shall be deemed to be met.

(d) The word “parapet”, as used in this section, shall be construed as though followed by the words “cornice, eaves or other feature topping or overhanging a wall or the face of a wall without such a feature”.

**SECTION 21-4. Two or More Main Buildings on One Lot.** In the case of a lot with two or more main buildings, every lot line which is also a street line shall be deemed a front lot line for the purposes of this Article.

**SECTION 21-5. Special Setback Provisions for Regulated Projects.** The provisions of this Article shall not apply to so

## ARTICLE 21

## SETBACKS

**SECTION 21-1. Setback Requirements.** Except as otherwise provided in this Article, where a minimum setback of parapet from lot line is specified in Table B of Section 13-1, neither the top line of the face of any wall of a structure within the district, and devoted to the use, specified, nor any cornice, eaves, parapet or other feature topping or overhanging such wall shall be closer to any lot line to which it is parallel or most nearly parallel than the distance specified in said Table B or, if such lot line abuts on a public open space or on one of two or more contiguous public open spaces, such distance minus whichever of the following is the lesser: (1) one half of the width of such open space or spaces, or (2) fifty feet.

**SECTION 21-2. Exceptions.**

‡(a) No setback is required in any event below whichever of the following is the lower: (1) the combined height of the first and any second story above the grade from which the height of the building is measured, or (2) twenty-five feet.

(‡As amended on September 23, 1987)

‡(b) Subject to the provisions of Section 19-6, no setback from side lot lines or from side street lines of corner lots is required:

Below a Height of	Where Maximum Floor Area Ratio Specified in Table B is:
40 ft.	1.0
60 ft.	2.0
70 ft.	3.0
80 ft.	4.0
90 ft.	5.0
90 ft.†	6.0
110 ft.†	8.0
120 ft.	10.0

†Except that in B-6-90a, B-6-90b, B-8-120a, and B-8-120c districts, no setback from a side lot line is required.

(‡As amended on September 27, 1973, and April 2, 1987)

(c) In the case of a lot in a district where no side yard is required by this code, if there is on either or both sides of such lot a lot with a building not conforming to the setback from side lot lines required by this code, no setback from side lot lines is required below a height midway between the height specified in paragraph (b) of this section and the height of the nonconforming building or, if there is a nonconforming building on each side, the average height of the nonconforming buildings.

‡(d) In certain blocks in the Back Bay, there are exceptional setback requirements as follows:

South side of Boylston Street

Arlington Street to  
Berkeley Street

A minimum of fifteen feet  
from the front building line,  
except applicable only above  
a height of ninety feet.

Block bounded by Blagden  
Street, Exeter Street,  
and Huntington Avenue  
a height of ninety feet.

As required in this Article  
and Table B of Section 13-1,  
except applicable only above

Both sides of Boylston Street

Copley Square, between  
Clarendon Street and  
Exeter Street

A minimum of fifteen feet  
from the front building line,  
except applicable only above a  
height of sixty-five feet.

North side of Boylston Street

Fairfield Street to  
Massachusetts Avenue

A minimum of fifteen feet  
from the rear building line,  
except applicable only above a  
height of ninety feet.

Except as specifically set forth above, all setbacks in the blocks listed above shall be as otherwise required in this Article and in Table B of Section 13-1. All setback requirements in a B-6-90a, B-6-90b, B-8-120a, or B-8-120c district are subject to the provisions of Article 6A.

(‡As inserted on April 2, 1987)

## ‡ARTICLE 27

### INTERIM PLANNING OVERLAY DISTRICT

(‡Article inserted on November 23, 1984)

#### SECTION 27-1. **Statement of Purpose.**

The Commission finds that:

1. The attributes of an evolving city make it necessary from time to time to consider rezoning of an area;
2. it is usually desirable to precede a contemplated rezoning of an area with a comprehensive planning study;
3. a reasonable period of time is required to complete such comprehensive planning study, given the need to assemble and consider adequately the necessary economic, social, physical and other information, and to hold public hearings and otherwise involve the public in the planning process;
4. the preparation, drafting, and adoption of a proposed rezoning may take a significant period of time to complete;
5. in the time period during which the comprehensive planning study and contemplated rezoning are prepared, it is essential to protect the area under review from unwise development that would frustrate the ultimate goals of the comprehensive planning process and contemplated rezoning;
6. the use of interim zoning measures to protect the integrity of an area pending completion of a comprehensive planning study and preparation of a rezoning proposal is a commonly used technique around the country.

Therefore, under the authority of Chapter 665 of the Acts of 1956 and Chapter 652 of the Acts of 1960 this article is established.

‡SECTION 27-2. **Basic Regulations.**

1. An Interim Planning Overlay District shall be established through text and map amendment to the Zoning Code and zoning maps.
2. An Interim Planning Overlay District may operate to suspend all or a portion of the existing underlying zoning of an area for the period during which the Interim Planning Overlay District shall be in effect.
3. An Interim Planning Overlay District shall be adopted for a specified time period, not to exceed two years.
4. An Interim Planning Overlay District itself may be divided into sub-districts.
5. An Interim Planning Overlay District may be extended, amended or repealed, at any time prior to expiration of the specified time period, only by approval of the Zoning Commission after petition, public notice and hearing. Upon expiration of the specified time period, the Interim Planning Overlay District shall automatically dissolve.
6. An Interim Planning Overlay District may employ an Interim Planning Permit procedure to govern any or all areas of the Interim Planning Overlay District. The Interim Planning Permit system is described in Section 27-3.

(‡As amended on September 23, 1987)



**Note:** Copies of the Text Amendments inserting the following interim articles can be obtained from the office of the Boston Zoning Commission, City Hall, 9th Floor, Boston, Massachusetts 02201 (617-722-4300).

‡ARTICLE 27A

PORT NORFOLK INTERIM PLANNING OVERLAY DISTRICT

(‡Inserted on September 3, 1985, extended on December 5, 1986, September 23, 1987, and April 29, 1988. Expired on July 3, 1988.)

‡ARTICLE 27B

BOYLSTON STREET INTERIM PLANNING OVERLAY DISTRICT

(‡Inserted on April 3, 1986; amended on May 23, 1986. Expired on April 2, 1987.)

‡ARTICLE 27C

HARBORPARK INTERIM PLANNING OVERLAY DISTRICT

(‡Inserted on March 16, 1987.)

‡ARTICLE 27D

DOWNTOWN INTERIM PLANNING OVERLAY DISTRICT

(‡Inserted on September 25, 1987.)

‡ARTICLE 27E

ROXBURY INTERIM PLANNING OVERLAY DISTRICT

(‡Inserted on August 18, 1987.)

‡ARTICLE 27F

ALLSTON-BRIGHTON INTERIM PLANNING OVERLAY DISTRICT

(‡Inserted on August 18, 1987.)

‡ARTICLE 27G

EAST BOSTON INTERIM PLANNING OVERLAY DISTRICT

(‡Inserted on June 6, 1988.)



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